

**LOUISVILLE METRO COUNCIL  
REGULAR MEETING  
OCTOBER 9, 2008  
6:00 PM  
METRO COUNCIL CHAMBERS**

**CALL TO ORDER:** President King called the **OCTOBER 9, 2008** Louisville Metro Council regular meeting to order at 6:00 PM. He asked all to rise and join in the Pledge Allegiance to the flag.

PRESIDENT KING: Madam Clerk, a roll call please.

**ROLL CALL:**

JUDY GREEN: PRESENT  
BARBARA SHANKLIN: PRESENT  
MARY WOOLRIDGE: PRESENT  
DAVID TANDY: PRESENT  
CHERI HAMILTON: PRESENT  
GEORGE UNSELD: PRESENT  
KEN FLEMING: PRESENT  
TOM OWEN: PRESENT  
TINA WARD-PUGH: PRESENT  
PRESIDENT JIM KING: PRESENT  
KEVIN KRAMER: PRESENT  
RICK BLACKWELL: PRESENT  
VICKI WELCH: PRESENT  
BOB HENDERSON: PRESENT  
MARIANNE BUTLER: PRESENT  
KELLY DOWNARD: PRESENT  
GLEN STUCKEL: PRESENT  
JULIE RAQUE ADAMS: PRESENT  
HAL HEINER: PRESENT  
STUART BENSON: PRESENT  
DAN JOHNSON: PRESENT  
ROBIN ENGEL: PRESENT  
JAMES PEDEN: PRESENT  
MADONNA FLOOD: PRESENT  
DOUG HAWKINS: PRESENT  
ELLEN CALL: PRESENT

CLERK: There are 26 members PRESENT. A quorum was established.

**ADDRESSES TO COUNCIL:**

PRESIDENT KING: Madam Clerk, are there any addresses to council?

CLERK: Yes, sir

**Deborah O’Gorman – Center City – For  
Larry Hujo- Center City – Against  
John Owen – Commuter Rail Project**

CLERK: That concludes the addresses to council, Mr. President.

PRESIDENT KING: Thank you.

### **APPROVAL OF COUNCIL MINUTES**

PRESIDENT KING: Thank you, Madam Clerk. Next, we have approval of Council minutes for the Regular Council Meeting of September 25, 2008.

Are there any corrections or deletions?

May I have a motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILMAN JOHNSON: Second.

PRESIDENT KING: The minutes have been properly moved and seconded.

All those in favor, say aye.

ALL PRESENT: AYE

Opposed?

The ayes have it. **These minutes are approved as written.**

### **APPROVAL OF COMMITTEE MINUTES:**

PRESIDENT KING: Next, we have approval of the following committee minutes:

Regular: Appropriations, NDFs and CIFs – October 2, 2008

Regular: Budget – October 1 2008

Regular: Committee of the Whole – September 25, 2008

Regular: Committee on Committees – October 7, 2008

Regular: Contracts – September 29, 2008

Regular: Health and Human Needs – October 1, 2008

Regular: Labor and Economic Development – October 2, 2008

Regular: Planning/Zoning, Land Design & Development –September 30, 2008

Regular: Public Safety – September 30, 2008

Regular: Rules, Ethics and Appointments – October 1, 2008

Regular: Transportation/Public Works – September 29, 2008

PRESIDENT KING: Are there any corrections or deletions? May I have a motion for approval?

COUNCILMAN DOWNARD: So moved.

COUNCILMAN JOHNSON: Second.

PRESIDENT KING: The minutes have been properly moved and seconded.

All those in favor, say aye.

ALL PRESENT: AYE

Opposed?

The ayes have it. **These minutes are approved as written.**

### **INTRODUCTION OF PAGE:**

### **GUESTS:**

PRESIDENT KING: Councilwoman Woolridge, do you have a guest this evening?

COUNCILWOMAN WOOLRIDGE: No, sir.

PRESIDENT KING: Thank you.

Just checking. Do you have a proclamation this evening?

COUNCILWOMAN WOOLRIDGE: I do have a proclamation.

PRESIDENT KING: Would you like to present the proclamation at this time.

COUNCILWOMAN WOOLRIDGE: I would, thank you.

PRESIDENT KING: You have the floor.

COUNCILWOMAN WOOLRIDGE: And I would just like to sit here and read this proclamation, if it's okay.

PRESIDENT KING: It's whatever your pleasure.



Proclamation  
By the  
Louisville/Jefferson County Metro Council

To All To Whom These Presents Shall Come:

**WHEREAS, Breast Cancer Awareness Month** also, referred to locally as **National Breast Cancer Awareness Month** is an annual international health campaign organized by major breast cancer charities every October to increase awareness of the disease and to raise funds for research into its cause, prevention and cure; and

**WHEREAS,** With one in eight U.S. women developing this disease sometime in their lifetime, breast cancer impacts almost everyone either personally or through friends and family; and

**WHEREAS,** Due to medical advances, early detection and treatment, women who get a diagnosis of breast cancer today have real hope; and

**WHEREAS,** Organizations like Susan G. Komen for the Cure and the Breast Cancer Research Foundation are helping doctors make strides toward controlling and ultimately eradicating this disease.

**THEREFORE, THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, (THE COUNCIL) HEREBY PROCLAIMS THE MONTH OF OCTOBER 2008 AS:**

**“Breast Cancer Awareness Month”**

*And urge all citizens to learn about breast cancer detection and treatment. We further urge all citizens to promote and participate in activities that contribute to finding a cure for breast cancer.*

*/s/ Jim King*

Jim King, Metro Council President

*/s/ Mary C. Woolridge*

Mary C. Woolridge, District 3  
Sponsoring Council Member

COUNCILWOMAN WOOLRIDGE:

If any of my colleagues would also like to sign onto this, I would love to have them to do so.

And Mr. President, I would like to thank the folks for wearing pink tonight in honor of Breast Cancer Awareness Month.

Thank you.

PRESIDENT KING: Thank you, Councilwoman Woolridge.

**And without objection, I think probably all of our members would like to support you in that proclamation.**

COUNCILWOMAN WOOLRIDGE: Thank you.

PRESIDENT KING: And by the way, I have my pink on.

It just doesn't show real well on camera.

PRESIDENT KING: But thank you for bringing this to our attention.

I would also like to bring to your attention I have a guest this evening.

Would you ask Ms. Lewis to please stand up?

Mary Ann.

She's a resident of day spring and one of my -- my favorite constituents.

Hopefully your friends are at home watching you on TV tonight Mary Ann and I want to thank you very much for being here.

MARY ANN LEWIS: I'm so glad I'm here.

PRESIDENT KING: Thank you very much.

Mary Ann.

**COMMUNICATIONS FROM THE MAYOR:**

PRESIDENT KING: Madam Clerk, do we have communications from the Mayor?

CLERK: Yes sir.

October 6, 2008

Mr. Jim King, President  
Metro Council  
601 West Jefferson Street  
Louisville, KY 40202

Dear President King:

In accordance with the Regional Airport Authority Ordinance, I am appointing Steven Trager to the **Regional Airport Authority**. This appointment will expire on July 15, 2012.

Your prompt action on this appointment is most appreciated.

Sincerely,

*/s/ Jerry E. Abramson*

Jerry E. Abramson  
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure  
e-copy to MCC  
Councilman George Unseld enclosure

October 6, 2008

Mr. Jim King, President  
Metro Council  
601 West Jefferson Street  
Louisville, KY 40202

Dear President King:

In accordance with the Louisville Metro Housing Authority Ordinance, I am appointing the following to the **Louisville Metro Housing Authority**.

<b>Name</b>	<b>Term</b>
Cynthia Adelberg	Reappointment August 15, 2011
Rose Livingston	Reappointment August 15, 2011

Your prompt action on these appointments is most appreciated.

Sincerely,

*/S/ Jerry E. Abramson*

Jerry E. Abramson  
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure  
e-copy to MCC  
Councilman George Unseld enclosure

October 6, 2008

Mr. Jim King, President  
Metro Council  
601 West Jefferson Street  
Louisville, KY 40202

Dear President King:

In accordance with the Metropolitan Sewer District Ordinance, I am appointing the following to the **Metropolitan Sewer District Board**.

<b>Name</b>	<b>Term</b>
Martin Hoehler	Reappointment July 31, 2011

Ben Richmond  
Doyle Stacy

Reappointment August 31, 2011  
Reappointment August 31, 2011

Your prompt action on these appointments is most appreciated.

Sincerely,

*/S/ Jerry E. Abramson*

Jerry E. Abramson  
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure  
e-copy to MCC  
Councilman George Unseld enclosure

October 6, 2008

Mr. Jim King, President  
Metro Council  
601 West Jefferson Street  
Louisville, KY 40202

Dear President King:

In accordance with the Workforce Investment Board, Inc. Ordinance, I am appointing Carleen Haas to the **Workforce Investment Board, Inc.** This appointment will expire on June 30, 2011.

Your prompt action on this appointment is most appreciated.

Sincerely,

*/S/ Jerry E. Abramson*

Jerry E. Abramson  
Mayor

JEA/set

cc: e-copy to MCC

October 6, 2008

Mr. Jim King, President  
Metro Council  
601 West Jefferson Street  
Louisville, KY 40202

Dear President King:

In accordance with the Louisville/Jefferson County Metro Revenue Commission Ordinance, I am appointing William R. Sulzer to the **Louisville/Jefferson County Metro Revenue Commission.** This appointment will expire on October 1, 2010.

Your prompt action on this appointment is most appreciated.

Sincerely,

*/S/ Jerry E. Abramson*

Jerry E. Abramson  
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure  
e-copy to MCC  
Councilman George Unseld enclosure

October 6, 2008

Mr. Jim King, President  
Metro Council  
601 West Jefferson Street  
Louisville, KY 40202

Dear President King:

In accordance with the Mental Health Diversion Ordinance, I am appointing the following to the  
**Mental Health Diversion Board.**

<b>Name</b>		<b>Term</b>
Bernard Block	Reappointment	September 30, 2010
Dr. Frank DeLand	Reappointment	September 30, 2010
James Metry	Reappointment	September 30, 2010
Debra Simmons	New Appointment	September 30, 2010
Lise-Marie Van Nostrand	Reappointment	September 30, 2010
Jerry Weber	Reappointment	September 30, 2010

Council approval of these appointments is not required.

Sincerely,

*/S/ Jerry E. Abramson*

Jerry E. Abramson  
Mayor

JEA/set

cc: e-copy to MCC

CLERK: Read in full.

PRESIDENT KING: These appointments are referred to the Rules, Ethics and Appointments Committee.

### **CONSENT CALENDAR:**

PRESIDENT KING: The next order of business is the Consent Calendar. The Consent Calendar comprises items 15 through 60 are there any additions or deletions

Councilman Owen, did you seek to move 16, 17 and 60 to Old Business?

COUNCILMAN OWEN: I did, indeed.

Without objection, those will be moved to old business.

COUNCILMAN UNSELD: Mr. President.

PRESIDENT KING: Councilman Unseld?

COUNCILMAN UNSELD: I would like to move Item 28 to Old Business please.

PRESIDENT KING: Pardon me, Item 20?

COUNCILMAN UNSELD: 28.

PRESIDENT KING: 28.

PRESIDENT KING: Very good.

Item 28 without objection is also moved to old business.

The consent calendar now surprises Items 15, 18 to 27 and 29 to 59.

Did I get that right, Madam Clerk?

THE CLERK: I think that's right.

PRESIDENT KING: We'll figure it out as we go along.

THE CLERK: I marked it. I hope it is anyway.

PRESIDENT KING: Very good.

Madam Clerk, a second reading of these items.

### **Consent Calendar:**

15. R-144-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. - \$156,268.00).

**Status:** On Council Agenda - Consent Calendar

**Committee:** Contracts

**Primary Sponsor:** Vicki Welch

18. R-147-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (UNIVERSITY EMERGENCY MEDICINE ASSOCIATES, P.S.C. - \$51,000.00).

**Status:** On Council Agenda - Consent Calendar

**Committee:** Contracts



**Primary Sponsor:** Jim King

19. R-149-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY EMERGENCY MEDICINE ASSOCIATES, P.S.C. - \$45,000.00).

**Status:** On Council Agenda - Consent Calendar

**Committee:** Contracts

**Primary Sponsor:** Madonna Flood

20. R-150-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (MYCAREERNETWORK.COM, LLC - \$61,497.00).

**Status:** On Council Agenda - Consent Calendar

**Committee:** Contracts

**Primary Sponsor:** Robert Henderson

21. R-151-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING RENEWAL CONTRACT – (YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER LOUISVILLE - \$55,000.00).

**Status:** On Council Agenda - Consent Calendar

**Committee:** Contracts

**Primary Sponsor:** Mary Woolridge

22. R-154-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. - \$59,500.00).

**Status:** On Council Agenda - Consent Calendar

**Committee:** Contracts

**Primary Sponsor:** Judy Green

23. R-162-09-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – METACYTE BUSINESS LAB, LLC - \$166,000.00.

**Status:** On Council Agenda - Consent Calendar

**Committee:** Contracts

**Primary Sponsor:** David Tandy

24. R-164-09-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL

SERVICE CONTRACT – (VISUAL PRESENTATIONS, INC. - \$46,000.00).

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts  
**Primary Sponsor:** Jim King

25. R-167-09-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT – LEGAL AID SOCIETY, INC. - \$85,000.00.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts  
**Primary Sponsor:** Tom Owen

26. R-170-09-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT – JUST SOLUTIONS, INC. - \$14,000.00.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts  
**Primary Sponsor:** Tom Owen

27. R-156-08-08 A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A SUPPLEMENTAL AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS FOR BIKE AND PEDESTRIAN FACILITIES LINKING LOUISVILLE'S OLMSTED PARKS.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Transportation/Public Works  
**Primary Sponsor:** Tom Owen

29. O-187-09-08 AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION CONTAINED IN ORDINANCE 155, SERIES 2008, AND PERTAINING TO LOUISVILLE METRO PLANNING COMMISSION CASE NO. 10411.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

30. R-157-08-08 A RESOLUTION APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE JEFFERSON COUNTY, KY AND BULLITT COUNTY, KY SHERIFFS' DEPARTMENTS.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Public Safety  
**Primary Sponsor:**  
Rick Blackwell  
Vicki Welch  
Robert Henderson  
Madonna Flood

31. AP100108TS APPOINTMENT OF TREVOR SMITH TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

32. RP100108MA REAPPOINTMENT OF MICHAEL ASHCRAFT TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

33. RP100108AA REAPPOINTMENT OF ALAN ATTAWAY TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

34. RP100108WC REAPPOINTMENT OF WILLIAM CREASON TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

35. RP100108GF REAPPOINTMENT OF GABRIEL FRITZ TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

36. RP100108MG REAPPOINTMENT OF MICHAEL GRITTON TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

37. RP100108SH REAPPOINTMENT OF SPENCER HARPER TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

38. RP100108RJ REAPPOINTMENT OF ROB JORDAN TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

39. RP100108CL REAPPOINTMENT OF CARL LEDFORD TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

40. RP100108RP REAPPOINTMENT OF ROBERT PATTERSON, JR. TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

41. RP100108RP REAPPOINTMENT OF RICHARD POWER TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

42. RP100108JR REAPPOINTMENT OF JESSE RHODES, JR. TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

43. RP100108LS REAPPOINTMENT OF LEWIS SCHUCKMAN TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

44. RP100108PS REAPPOINTMENT OF PAT STALLARD TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

45. RP100108SS REAPPOINTMENT OF STEVE SULLIVAN TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

46. RP100108LT REAPPOINTMENT OF LISA THOMPSON TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

47. RP100108JT REAPPOINTMENT OF JOE TOLAN TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

48. RP100108TV REAPPOINTMENT OF TIMOTHY VEECK TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

49. RP100108TW REAPPOINTMENT OF DR. THOMAS WALKER TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

50. RP100108LW REAPPOINTMENT OF LEONARD WATKINS TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

51. RP100108KW REAPPOINTMENT OF KWANE WATSON TO THE WEST LOUISVILLE ECONOMIC ALLIANCE ADVISORY BOARD, TERM EXPIRES AUGUST 15, 2010.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Rules, Ethics, & Appointments

52. R-165-09-08 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND TO PERFORM ALL OTHER TASKS NECESSARY TO OBTAIN COMMUNITY DEVELOPMENT BLOCK GRANTS, HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS, INCLUDING THE AMERICAN DREAM DOWNPAYMENT INITIATIVE, EMERGENCY SHELTER GRANT, AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANT FUNDS AND TO ACCEPT THE RESULTING ENTITLEMENT GRANT.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Health & Human Needs  
**Primary Sponsor:** Judy Green  
**Additional Sponsor:** Mary C. Woolridge

53. O-180-09-08 AN ORDINANCE AMENDING ORDINANCE NO. 112, SERIES 2008, RELATING TO THE FISCAL YEAR 2008-09 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND ORDINANCE NO. 111, SERIES 2008, RELATING TO THE FISCAL YEAR 2008-09 CAPITAL BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$20,000 IN FUNDS FROM THE CAPITAL CUMULATIVE RESERVE FUND FOR CAPITAL INFRASTRUCTURE FUND PROJECTS RELATED TO METRO COUNCIL DISTRICT 6 TO THE GENERAL FUND NEIGHBORHOOD DEVELOPMENT FUND FOR METRO COUNCIL DISTRICT 6.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Budget  
**Primary Sponsor:** George Unseld

54. R-168-09-08 A RESOLUTION PETITIONING THE KENTUCKY RETIREMENT SYSTEM BOARD OF TRUSTEES TO PROVIDE HAZARDOUS DUTY COVERAGE FOR CERTAIN LOUISVILLE METRO EMPLOYEES.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

55. R-169-09-08 A RESOLUTION DETERMINING ONE PARCEL OF REAL PROPERTY LOCATED AT 111 FRANCK AVENUE KNOWN AS PARCEL 071C-0072-0000 OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("LOUISVILLE") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS CONVEYANCE TO COBALT VENTURES LLC.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** Tina Ward-Pugh

56. O-179-09-08 AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (JULY 1, 2008 JUNE 30, 2013) RELATING TO WAGES, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO LOCAL 2629 (AFSCME) CONCERNING CERTAIN EMPLOYEES OF THE LOUISVILLE ZOO.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

57. O-183-09-08 AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (THROUGH JUNE 30, 2013) RELATING TO WAGES, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND

TEAMSTERS LOCAL UNION NO. 783, AN AFFILIATE OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS CONCERNING CERTAIN CIVILIAN MEMBERS OF LOUISVILLE METRO CORRECTIONS.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

58. O-189-09-08 AN ORDINANCE APPROVING THE FOURTEENTH SUPPLEMENTAL SEWER AND DRAINAGE REVENUE BOND AUTHORIZING RESOLUTION ADOPTED BY THE BOARD OF THE LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (HEREINAFTER "THE DISTRICT") WHICH AUTHORIZES THE ISSUANCE OF THE DISTRICT'S SEWER AND DRAINAGE SYSTEM REVENUE BONDS, IN ONE OR MORE SERIES, (HEREINAFTER THE "2008 BONDS") AND PROVIDING FOR THE ADVERTISING, PUBLIC, COMPETITIVE SALE OF SAID BONDS IN AN AMOUNT NOT TO EXCEED NET BONDS PROCEEDS OF \$191,000,000.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

59. R-160-09-08 A RESOLUTION DETERMINING THAT IT IS IN METRO GOVERNMENT'S BEST INTEREST TO TRANSFER TWENTY-EIGHT (28) PARCELS OF REAL PROPERTY LOCATED THROUGHOUT METRO AND SET OUT IN EXHIBIT A ATTACHED HERETO, CURRENTLY USED FOR DRAINAGE AND FLOOD CONTROL, TO LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT ("MSD") AND AUTHORIZING THAT TRANSFER.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** Robert Henderson

PRESIDENT KING: May I have a motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILMAN DOWNARD: Second.

PRESIDENT KING: The Consent Calendar has been properly moved and seconded and requires a roll call vote. Madam Clerk, please open the voting.

**Voting Result: Consent Calendar**

JUDY GREEN: YES  
BARBARA SHANKLIN: YES  
MARY WOOLRIDGE: YES  
DAVID TANDY: YES  
CHERI HAMILTON: YES  
GEORGE UNSELD: YES  
KEN FLEMING: YES  
TOM OWEN: YES  
TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

CLERK: There are 26 YES votes.

PRESIDENT KING: **The Consent Calendar passes.**

**OLD BUSINESS:**

PRESIDENT KING: The next item of business is Old Business. Madam Clerk, a reading of item 16.

16. R-146-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY OF LOUISVILLE, DEPARTMENT OF FAMILY AND GERIATRIC MEDICINE - \$12,000.00).

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts  
**Primary Sponsor:** Vicki Welch

COUNCILMAN OWEN: Mr. President, that's 12,000.

I'm sorry; I'm sorry. Excuse me. I'm just not reading my zero's correctly.

PRESIDENT KING: That's all right.

I have a motion for approval.

COUNCILMAN DOWNARD: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT KING: Councilman Owen don't you want to address this.

COUNCILMAN OWEN: I did, indeed. For the possibility of perceived conflict of interest, I'm an employee of the University of Louisville and I will abstain.

PRESIDENT KING: Very good. Is there any other discussion on this item?

Hearing none, Madam Clerk is this an ordinance?



THE CLERK: This is a resolution.  
But in order to --

PRESIDENT KING: To record his abstention let's go to the roll call vote.  
Please open the voting.

**Voting Result: Item 16**

JUDY GREEN: YES  
BARBARA SHANKLIN: YES  
MARY WOOLRIDGE: YES  
DAVID TANDY: YES  
CHERI HAMILTON: YES  
GEORGE UNSELD: YES  
KEN FLEMING: YES  
TOM OWEN: **ABSTAIN**  
TINA WARD-PUGH: YES  
PRESIDENT JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

CLERK: There are 25 YES votes and ONE ABSTENTION from Councilman Owen.

PRESIDENT KING: **The resolution passes with one abstention.**

Madam Clerk, a reading of Item 17.

17. R-158-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING RENEWAL CONTRACT - (UNIVERSITY OF LOUISVILLE, SCHOOL OF NURSING - \$391,876.00).

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts  
**Primary Sponsor:** Vicki Welch

PRESIDENT KING: May I have a motion for approval?  
COUNCILMAN PEDEN: Motion to approve.  
COUNCILMAN DOWNARD: second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion, Councilman Owen?

COUNCILMAN OWEN: For the same reason Mr. President and colleagues with your indulgence, I will be abstaining because of a possible conflict of interest involving my employer.

PRESIDENT KING: Very good.

Is there any further discussion?

Hearing none, Madam Clerk, please open the voting.

**Voting Result: Item 17**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: **ABSTAIN**

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK: There are 25 YES votes and ONE ABSTENTION from Councilman Owen.

PRESIDENT KING: **The resolution passes with one abstention**

That's a resolution?

I'm still confused on that.

Both are resolutions.

CLERK: Yes.

PRESIDENT KING: All right.

Thank you.

Madam Clerk are we to Item 28?

CLERK: Yes, sir.

PRESIDENT KING: A reading of Item 28.

28. R-163-09-08 A RESOLUTION NAMING A PUBLIC BUILDING IDENTIFIED AS THE SOUTH LOUISVILLE GOVERNMENT CENTER BUILDING, LOCATED AT 2911 TAYLOR BLVD., THE "WILLIAM H. 'BILL' WILSON SOUTH LOUISVILLE GOVERNMENT CENTER BUILDING."

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Transportation/Public Works  
**Primary Sponsor:**  
Doug Hawkins  
Cheri Bryant Hamilton

PRESIDENT KING: May I have a motion for approval?

COUNCILMAN DOWNARD: Motion to approve.  
COUNCILMAN PEDEN: Second

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?  
Councilman Unsel.

COUNCILMAN UNSELD: Thank you, Mr. President. This center is located in my District. And I would ask that it be moved because I think we need to reserve the naming of the old -- of the South Louisville Government Center for our citizens, a resident of that community who has exhibited his or her enthusiasm for that area. Therefore, I urge the Council to vote no on this item.

PRESIDENT KING: Councilwoman Hamilton?

COUNCILWOMAN HAMILTON: Thank you, Mr. President. This item came before the Metro Council originally in 2005. And in 2007 one year ago almost to the night the full Metro Council voted in favor of this resolution naming the South Government building in favor of William H Wilson, Bill Wilson. As part of the renaming process, our code of ordinances require that Facilities Management had to hold a public hearing and to allow public comment. The public meeting was held on July 25th and five people spoke in support of the resolution and 16 people submitted a letter or an e-mail in support, including State Representative Reginald Meeks and former Representative Mazzolli. In your documentation, some of you may have received from the committee, it says during the public comment period, we received no public opposition to the proposed name change. The resolution came before the committee. And it was voted out unanimously. And I would just like to say on a personal note that Alderman Wilson served the ninth ward for 14 years from 1982 to 1996. And at that time, it was part of his District. He's made many contributions to this community. And he died a few years ago. And leaves his wife and five daughters. He was chair of the Board of Alderman and served as President for three consecutive years and he's been a dedicated public servant and political -- very sanity and political leader in this community and I urge your support of this resolution.

PRESIDENT KING: Very good.  
Any other discussion? Councilman Hawkins.

COUNCILMAN HAWKINS: Thank you, Mr. President, this resolution I know means a lot to Councilwoman Hamilton and I was very proud to co-sponsor this with her and work with her on this for three, four, five years now and in the process of getting this through. And I too would urge your support for this ordinance.

PRESIDENT KING: Thank you.  
Any further discussion? Councilwoman Green.

COUNCILWOMAN GREEN: Yes, I also would ask that if it's okay with the sponsors, I would like to add my name as a sponsor.

PRESIDENT KING: Is there any further discussion?  
COUNCILWOMAN HAMILTON: Mr. President.  
PRESIDENT KING: Councilwoman Hamilton.  
COUNCILWOMAN HAMILTON: Actually, when this passed originally I believe there were 22 co-sponsors.  
So unless there's someone that does not want to be, we have them down as sponsors.

PRESIDENT KING: All right.  
Councilmember Unsel?

COUNCILMAN UNSELD: If my name is on that list, I would ask it be extracted.

COUNCILWOMAN HAMILTON: It's not.

COUNCILMAN UNSELD: I didn't think so.  
This is not the first time that I have made my feelings known.

PRESIDENT KING: Very good.  
Thank you.  
Any other discussion?  
Well, the resolution allows for a voice vote.  
All in favor say aye.  
(Chorus of ayes.)

PRESIDENT KING: Opposed?

COUNCILMAN UNSELD: No.

PRESIDENT KING: The ayes have it. **The resolution passes.**  
COUNCILMAN UNSELD: I want a roll call vote.  
PRESIDENT KING: I'll just act like I didn't hear that.  
[Laughter.]

PRESIDENT KING: Madam Clerk, are we at Item 60.  
CLERK: Yes, sir.

60. O-182-09-08 AN ORDINANCE CLOSING AN UNIMPROVED, UNNAMED ALLEY LOCATED ON THE SOUTH SIDE OF GRAY STREET, 150 FEET WEST OF SHELBY STREET, CONTAINING A TOTAL OF 1061.998 SQUARE FEET, AND BEING IN LOUISVILLE METRO (CASE NO. 9033).

**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

COUNCILMAN PEDEN: Motion to approve.

COUNCILWOMAN WOOLRIDGE: second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?  
Councilman Owen ,you're the chair of planning and zoning would you like to address this?

COUNCILMAN OWEN: Yes, Mr. President.

This item came to us and it came out of the committee with our full approval.

However, subsequently we realized -- I think we were beginning to be aware of that even in committee that there was an incomplete description.

And so I'm sponsoring a floor amendment that includes the underlined portions that you have on your computer adding the words in the title to just west -- 150 west of.

Adding the southwest intersection of Shelby Street and adding and Gray Street being parallel with the west line of Shelby Street and running 89 feet south from its southern intersection with Gray Street.

Adding those elements to the title and then similarly reflecting in the body of the ordinance, which is closing this alley, the same language in the appropriate locations as you can see underlined in the document.

So I move that floor amendment.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT KING: Very good.

The item has been properly moved and seconded.

Is there any discussion on the floor amendment?

Hearing none, the question is on the floor amendment.

It allows a voice vote.

All in favor say aye.

ALL: AYE

PRESIDENT KING: All opposed?

The ayes have it.

The floor amendment passes. Is there any further discussion on the amended ordinance?

Hearing none, the amended ordinance requires a roll call vote, Madam Clerk, please open the voting.

**Voting Result: Item 60**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

THE CLERK: There are 26 yes votes.

PRESIDENT KING: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 61.

61. R-148-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING (RENEWAL) NEW CONTRACT - (UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. - \$150,000.00). (AS AMENDED)

**Status:** On Council Agenda - Old Business

**Committee:** Contracts

**Primary Sponsor:** Madonna Flood

COUNCILWOMAN WOOLRIDGE: So Moved.

COUNCILMAN ENGEL: Second.

PRESIDENT KING: The item has been properly moved and seconded.

Is there any discussion?

Councilwoman Adams.

COUNCILWOMAN ADAMS: Thank you, Mr. President.

This was amended in committee.

But it was just a technical amendment.

It was submitted to the committee as a renewal contract.

And it's actually a new contract.

It's for expert clinical forensic medical services in consultation in the area of pediatric forensic medical science.

PRESIDENT KING: Okay.

But for the record, we now have the committee-amended version before us.

Is there any further discussion?

Hearing none, the question is on the committee recommended version, including the committee amendment.

The amended resolution requires a voice vote.

The vote for the committee-amended version adopts the committee recommended amendment. All in favor say aye.

ALL: AYE

PRESIDENT KING: All those opposed?

The ayes have it.

**The resolution as amended passes.**

Madam Clerk, a reading of Item 62.

62. O-181-09-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE FAMILY RESIDENTIAL TO R5-A, MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 10902 TARRENCE ROAD, CONTAINING A TOTAL OF 13.3 ACRES, OF WHICH 12.3 ACRES ARE PROPOSED TO BE REZONED, AND BEING IN LOUISVILLE METRO (CASE NO. 8734).

**Status:** On Council Agenda - Old Business

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT KING: Thank you.

The item has been properly moved and seconded.

Is there any discussion?

Councilman Owen again - planning and zoning.

COUNCILMAN OWEN: Yes, Mr. President, this was heard in committee.

It came out of committee with our recommendation. This proposal is to -- on two separate tracts.

The one track, the northernmost track to put eight patio homes and then a larger track, a second track, contains 50 patio homes.

For folks listening Tarrence Road is basically on the third curve north toward J-town on Billtown Road.

I'll tell you when you know you're there because this site has two legs of the site surrounding the water tower.

So when you see the water tower on the east side of Billtown Road you know that this site is right there.

Well, you'll also notice that Tarrence Road is not a fully improved Road.

So the developer as part of this project for that portion of Tarrence will put in a sidewalk and will make the improvements necessary on Tarrence Road.

Also the developer is putting into an account a sum of money that has been determined and based on the number of lots for the ultimate installation, assuming that additional development occurs and to that rolling farm country to the east on Tarrence Road will have put money there that will pay a portion of a left hand turning lane that will allow people to make a left into Billtown into the development into Tarrence Road which would then connect to the development more safely.

Of course, there was discussion of traffic on Billtown generally.

And this is a fundamental issue.

And other issues that were discussed in committee were the fact that there is one pond being filled.

And a half or a third to a half of another pond being filled.

And so we, the committee, needed some assurance that there was an adequate soil stability for that filling.

Also, I think it's interesting that the storm water retention program for this new development is actually part of the storm water retention that has already been built and approved by MSD as part of the Billtown form development. And so that water will be contained there.

And then more slowly released onto one of our Chenoweth Run, which is the watershed that this is in.  
So this was heard in committee. It came with our recommendation.  
It is in Mr. Benson's District and he may well want to make a comment.

PRESIDENT KING: Councilman Benson, do you seek recognition?

COUNCILMAN BENSON: Yes, Mr. President.

Thank you. This I think is a very -- is really a quality development.  
And other than traffic on Billtown Road, I think this will be a real plus.  
So I hope that you all would vote with me on rechanging the zoning.  
Thank you.

PRESIDENT KING: Thank you.

Is there any further discussion?

Hearing none, this ordinance requires a roll call vote.

Madam Clerk, please open the voting.

**Voting Result: Item 62**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

THE CLERK: There are 26 yes votes.

PRESIDENT KING: The ordinance passes.

Madam Clerk, a reading of Item 63.

63. O-108-06-08 AN ORDINANCE AMENDING ORDINANCE 126, SERIES 2007 AND  
ORDINANCE NO. 112, SERIES 2006 STRIKING AN APPROPRIATION TO THE LOUISVILLE



METRO POLICE DEPARTMENT FOR A CAPITAL EXPENDITURE FOR AN AMMUNITION  
BUNKER; AND DECLARING THE ENACTMENT OF THIS ORDINANCE AN EMERGENCY.

**Status:** On Council Agenda - Old Business  
**Committee:** Public Safety  
**Primary Sponsor:** Doug Hawkins

COUNCILWOMAN WOOLRIDGE: Motion to approve.  
COUNCILMAN ENGEL: Second.

PRESIDENT KING; Item has been properly moved and seconded is there any discussion Councilman Heiner, chair of Public Safety you may want to comment on this.

COUNCILMAN HEINER: I do have a couple of comments.  
This is an ordinance that was introduced in the Spring, April or May.  
We had the first presentation from the administration relative to the positioning of the explosive storage facility on June the 3rd.  
On July 1st, this was sent to old business here at the Council.  
And it was returned to the committee for some additional work after the administration said they would look at alternative sites. On July 15th it was back in committee.  
And at that point the administration said they would take input from Council members on potential additional sites. That happened by the end of July.  
The administration then in -- most of I guess August and September took about two months to review those sites. I think there were nearly 100.  
During that two-month period, we also heard from someone with extensive explosives experience.  
Again, another informational meeting at the committee.  
That was August the 19th.  
At our last meeting on September the 30th, we heard the administration's report.  
They passed out a few sheets of paper that listed all 100 sites and actually, it was a grid sheet that showed criteria for the sites.  
And if it met the criteria, they had it colored green and if it didn't meet it, they colored it red.  
What we saw from that presentation is that each of the 100 sites had somewhere along its line had the color red, which signified that in their opinion it was not -- it was not a suitable site.  
At that point, we had been in committee for four months.  
And maybe five months since it was originally introduced.  
I can say as chair I felt that there were several of the sites, maybe a handful that really deserved more detailed examination. That's just my personal feelings, not the committee's.  
Anyway, after the extended period of time that it was in the committee and a recommendation from Public Works that there was not another acceptable site.  
We voted on it and it comes to the full Council tonight with a 2 to 2 vote from that committee.  
Thank you.  
PRESIDENT KING: All right.  
Thank you, Councilman Blackwell?

COUNCILMAN BLACKWELL: Thank you, Mr. President.  
Just to add a couple of things to that.  
I was kind of saddened by the way we finished up talking about this ordinance.  
We were -- I agree with Councilman Heiner.  
I thought we had some really good discussions.  
We had some really good details.  
We also had several of us who, you know, the one proposed site at Cardinal Hill we had several of us

including Councilman Heiner who actually visited the site and took a look at it.  
Looked for how close it was to the houses.  
Looked for and saw the security features that had been added since 9/11 at the site.  
And we also -- as Councilman Heiner had mentioned that there were several committee members who had proposed other locations and other -- you know, things that we had heard from constituents.  
Things we heard from maybe Police Departments, whoever it might be.  
You know, several sites that were -- that we thought deserved at least some consideration.  
as a possible location.  
And that came -- you know, it was bipartisan.  
It came from both sides.  
We had people suggest sites from both sides, which I thought was healthy.  
What I didn't think was healthy was the fact that on our last -- you know as Councilman Heiner just pointed out, we spent months talking about this good discussion not partisan discussion but good discussion.  
A lot of people were concerned about making sure we made the right decision on this one everyone understanding the police were saying to us we need this.  
We need this somewhere.  
So really, the only question is where.  
And how do you determine that.  
And how do you determine that in a way that is objective as opposed to just you know someone saying well not in my backyard. And so that's where the criteria comes up.  
You know you talk to the professionals.  
And you say okay here is the criteria that we're looking for and let's go through these sites.  
And I, too, when Councilman Heiner suggested that there might be some other sites that still needed to be looked at, there were a couple that, you know, maybe we still had some questions about.  
Maybe a couple that you had narrowed down from the 100.  
Obviously, the first 100 there were several of those that you could throw out pretty quickly.  
They just happened to be five-acre tracks.  
There were a number that I think were problematic.  
And about 70% of the ones that were turned in when we talk about the 100 sites.  
But about 70% of them were on parkland and playgrounds.  
So maybe -- I doubt many of us would feel very comfortable with putting the bunker next to our kids on the swing.  
But there were some that did seem to be in a different category and they did seem to have merit a little bit more discussion maybe even a visit like we did with the others.  
Which made what happened in the committee all that more strange.  
And that we talked about sites.  
For an hour.  
Actually over an hour.  
We talked about sites and went through all of the sites and then at the end of the hour with Councilman Heiner still suggesting we probably needed to still look at other sites and perhaps visit them and that wasn't just the suggestion that was the suggestion of lots of people on the Council suddenly we moved into a vote on this.  
And there was confusion about what we were even voting on.  
We had talked about sites, 100 sites for over an hour.  
And then in the last two minutes of the meeting with zero -- not minimal.  
Zero discussion about the amendment that was before us.  
We were asked to take a vote on this.  
Bizarre.  
It was bizarre.

You know, to talk about this as Councilman Heiner said for months, to have really good bipartisan discussion, to have people really concerned about public safety and then for us to force a vote on something that apparently strikes and limits the Police Department's ability to move on something that they say and all of us agree they need with zero discussion not one utterance of discussion, is just beyond me.

And so I'm very concerned that we move that.

And I'm very concerned about why we moved it quite frankly.

I think this comes down to it was a situation -- you know, why all of a sudden did this become something that had to happen -- an hour and ten minutes after the meeting started and after we talked about sites.

Why all of a sudden did it have to come to this immediate conclusion?

And frankly, I'm saddened to say I think it has all to do with -- nothing to do with public safety. And everything to do with November 4th.

We've had Council members who have on a number of occasions taken this issue and said to the public and said on TV and said on interviews after our discussions that this is about politics.

This is about elections.

This is about "quote taking it to the people and letting the people decide in the election process".

Blatantly partisan.

Blatantly about politics.

Not about public safety at all.

You know we have people who send out statements that are completely untrue.

And having constituents call people who are on the ballot.

I mean, it's just crazy.

And it saddens me to think that after so much work, so much bipartisan work and so much bipartisan discussion that we would rush this thing through and make this kind of determination because the November 4th deadline, not a Public Safety deadline that's coming before us.

It's a dark day for this Council.

PRESIDENT KING: Thank you.

Councilman Johnson.

COUNCILMAN JOHNSON: That being the case with it not having been discussed enough I request we send it back to committee.

PRESIDENT KING: Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President.

I watched that entire meeting and I came away with several conclusions.

One, there was never going to be another site approved.

If you watch those 100 sites go through, some of them had all the same attributes as Cardinal Hill and they were not going to be approved.

The only site in Jefferson County that was acceptable was this one that was picked early on and it was very apparent that there was never going to be another one approved.

I'm surprised to hear the confusion about the no discussion.

I mean there's a thing called calling the question.

It takes two-thirds of the members of the committee to stop discussion.

There were four people there.

If anybody in the world agreed with Councilman Blackwell, they could have stopped and had more discussion.

They didn't.

So with a 2-2 vote, there were four people there.

It may be -- you know there's a lot of people -- and we finger point a lot and I've tried not to but just when it gets done and then you have to point back November 4th is a day a lot of us included I'm one of them not that this issue affects my district very much but it affects a lot of people and many people will try to fight about who is deciding to vote on something, not vote on something, hold it back, start it up.

But this thing has been carried on for a long time.

I will tell you in my opinion the administration was absolutely, never going to agree to anything except the one they picked.

Why waste anymore time.

It was just -- it was farcical.

If you saw the list and watched it go down and Councilman Blackwell, Councilman Heiner both said you get the impression that there were some of them that maybe shouldn't have been excluded or maybe they should have been looked at closer but they weren't going to be.

It was apparent when Mr. Pullen got finished and said none of them are any good.

Well, come on.

I want to tell you something, I actually went back and looked at the criteria that was offered the very first meeting on this committee.

On the requirements for a -- for the explosives reservoir, for the explosive bunker.

And they weren't the same.

If you look -- compare that meeting with this great big long sheet they passed out, they weren't the same.

So it's kind of evolved into what do we have to do as a criteria to not approve things I think.

That's what it looked like to me.

Obviously, I don't have the right to say that.

But that's what it looked like to me.

So there's no sense spending a whole lot more time on this I don't think. Thank you Mr. President.

PRESIDENT KING: Thank you.

Councilman Heiner.

COUNCILMAN HEINER: Thank you there were a couple of comments just to beg a response.

We talk about bipartisan and working together on this.

I seem to remember early on I read this ordinance into the record.

And I couldn't get a second from anybody on the committee because the only other Republican colleague that was there wasn't there.

And couldn't get a second from anybody on the committee to even have discussion on it.

I mean, to give you sort of what we've been up against on this issue and actually the person that just spoke was there and just wouldn't -- you know we're just not having discussion.

On the vote itself, I called for is there any comment, discussion?

Nothing.

I said okay we'll open the voting.

We got an objection.

Well, we want to discuss it.

I said okay.

Then we have a comment -- does anybody have a comment?

Nothing again.

So we went on and discussed it.

And we also need to talk a little bit about, you know, we've had a few people in our group sort of lecture on micro managing the administration.

And I may have been the recipient a few times.

But in this case, the administration has a responsibility to do the research.

We can't tell them where to put it.

We can recommend where they put it.  
But we can't tell them where to put it.  
We can only say yes or no on a site that they select.  
It became painfully obvious from a report that would take three days to put together that took them two months to report to this committee that they came back with 100 sites.  
And said not one is acceptable out of all 100 sites.  
They didn't even say one merited additional discussion or review.  
They just said no.  
They are all not acceptable.  
When in fact Cardinal Hill would have failed on the same criteria.  
They said not one of these is acceptable.  
I can tell you for the size of our county to say that there isn't two acres you know next to a three acre wetland or something but that there isn't two acres in this community that's not in somebody's backyard that you don't have to drive through a neighborhood with however safe this ordinance or old army stuff is. But that there isn't two acres in this community off an interstate somewhere in this community is just ridiculous. I mean it's there.  
So when you talk about will from the administration they didn't come back and say here is 100.  
We ruled out 94 but there are six more here that we don't know if they will work or not but they have some promise we want to come back with aerial photos and get on the ground which they told us they were going to go on the ground. They didn't do that.  
Come back with six sites and you know we want to dig into these to make sure there isn't a better site somewhere in this community and I'll tell you if we had gotten that kind of response from the administration, the sponsor -- the ordinances running out would have renewed the ordinance and we would be there still discussing it.  
But what we heard from the administration is there is not two acres in this whole community that isn't in somebody's backyard to put this explosive storage facility and I'm sorry; I just cannot believe that.  
Even based on their own presentation I cannot believe that.  
So we have an unwilling administration to look any farther.  
We offered time for discussion. There was none.  
And it's just time after nearly five months before this council that we just vote this up or down.  
And to bring up one other point.  
And that was this ordinance we tried to amend by -- the sponsor tried to amend by substitution to narrow the focus to just Cardinal Hill just tell the administration just find another site other than Cardinal Hill. That failed in committee. I mean we couldn't even narrow the focus of the ordinance.  
So this , unfortunately, took on a partisan tone from Day 1.  
The administration from Day 1 it was apparent to me from their presentation that they had decided it's going to Cardinal Hill and it didn't matter if we found a thousand sites.  
If we found a thousand sites with 20 of them that worked, it was going to Cardinal Hill because that's the decision they had made. That's what came across to me from their presentation.  
No willingness to go farther.  
We can't tell them what to do so it's simply time to vote and get on -- sort of get on with business.  
So that's the reason it's before the Council tonight. Thank you.

PRESIDENT KING: Thank you. Councilman Benson?

COUNCILMAN BENSON: Thank you, Mr. President.

I was watching the committee work.

And one of the things that really bothers me sometimes, if the public is not really happy or they seem not to be happy, the easiest way to do it is kind of back up and try to do something different.

But if the line is drawn in the sand and they are absolutely positive this is the best way to go, like

Councilman Heiner said, you vote on it. And if people are in favor of it, it will pass. If people aren't, it won't. And so that's sometimes just get on with the business. And to me I think we just vote on it. Thank you.

PRESIDENT KING: Thank you.  
Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.  
I am on the Public Safety Committee.  
Unfortunately, I was not available to be at the last meeting.  
But Mr. President, today I spoke with students at Lyman T Johnson Middle School. I spoke to two groups of seventh graders and one of the questions they called me is Councilwoman Woolridge what is the least thing you like about your job?

COUNCILWOMAN WOOLRIDGE: Well I didn't quite know at first and I sat there a few seconds and I said I love my job. I love serving the community. But then all of a sudden this light comes on. And it says I don't like what we're doing here right now. It's partisan politics that I don't like. Each one of us was sent up here, was voted to come up here to represent our various neighborhoods. And I told these young people in the two different sessions that I spoke to them that if we could get rid of partisan politics and work for the good of the entire community, you know, not run because we are running for reelection or to get a brownie point or something. But let's do what is best for this community.  
Now, I have the handout I believe that may have been part of the slide show.  
And each one of these items I look on here. And they said they did not meet the criteria. And not only did it say it did not meet the criteria, it said the reason it didn't meet the criteria. So unlike my colleagues, I'm like my colleagues, I'm ready to vote it up or down.  
And basically I guess in this particular ordinance, I don't really see Cardinal Hill in this ordinance. Maybe I'm not reading it right or something. But that particular location or site is not what we are voting on. That's my understanding. Thank you, Mr. President.

PRESIDENT KING: Thank you.  
Councilwoman Welch.

COUNCILWOMAN WELCH: Thank you, Mr. President.

PRESIDENT KING: Thanks for being patient.

COUNCILWOMAN WELCH: Oh, you're welcome.  
You know, this has all to do with politics and grand standing.  
And here is why: Mr. Hawkins claimed that he's trying to protect the south end is totally untrue. Because half of his 100 sites were in the south end, many in my District.  
And I'm here to protect my constituents and all of the people of Louisville Metro.  
Now, one of the sites was the Jefferson Forest, which has no electricity for cameras and security. It has no security fencing anywhere. And it would be open for any trail walkers who happen to come through there. So that was a terrible suggestion.  
The other suggestions, which I think Councilman Heiner you also wanted was Minor's Lane in the Renaissance Zone.  
Right there next to the brand-new UPS.  
But mostly next to two trailer parks with hundreds of my constituents.  
Now, are those hundreds of people any less valuable people than the ones that are on Park Ridge Hill

and Cardinal Hill? I don't think so. And it's also in a flood zone. So that's why it was taken out. It's near the airport and near the interstate. So I believe that all of those 100 sites were looked at. Thoroughly, by Public Works. And those people. Who were at hand at doing this task that we asked them to do. And for that reason, I'm here for the good of not only my constituents, but also all of Louisville Metro.

PRESIDENT KING: Thank you.  
Councilman Johnson?

COUNCILMAN JOHNSON: I would like to say that it's not just partisan because I too am a sponsor of this because the problem is public safety as far as I'm concerned you've got vehicles with any kind of ammunition or explosives I don't care whatever it is they are going to put in this they are going to take through roads that go through my District or go through a District close to mine in the south end. And I think it's nothing but dumping stuff like this on the south end and I intend to vote with Councilman Heiner.

PRESIDENT KING: Thank you.  
Councilman Owen?

COUNCILMAN OWEN: Yes, thank you Mr. President. A couple of things come to mind. I think the word dismissive, which is there were 100 sites suggested. And if I understand correctly, we are accusing the administration of being dismissive. They looked at all 99 other sites and they dismissed them, leaving only the one site remaining. Mr. Pullen if I understand correctly testified that there were 220 hours of staff time at a cost of something other -- under -- just under \$10,000 of taxpayer money used in being what I think the administration is being accused of, being dismissive of the other 99 sites. The second issue it seems to me is that as I look at this document that we're asked to be voted on, I have heard language that says we ought to get on with it. Well, get on with it. Help me. And I'm struggling here. I'm genuinely struggling here. Get on with it means withdrawing funds for a needed ammunition magazine that our Police Department for now some six to eight months has testified we need. To be get on with it means essentially to withdraw all funding, including the potential, if I understand correctly, the funding that would come from the state to assist in doing what the Police Department testifies is needed. So when I think about the word dismissive, which is the word I think that would be appropriate in the accusation of the administration, the dismissal of the other 99 sites to the tune of 220 hours of staff time something just under \$10,000 in taxpayer's money. And if I understand what is before me, it is essentially to get on with it by saying: Do nothing. And those are the choices that I see before us. Not very acceptable. Thank you, Mr. President.

PRESIDENT KING: Thank you, Councilman Owen.  
Councilwoman Raque Adams.

COUNCILWOMAN ADAMS: Thank you, Mr. President.  
I hope it's appropriate if I call the question.

PRESIDENT KING: I have several people that wish to speak to this. And so I'm sure we'll get objections. I only have three, if you don't mind I would like to without objection allow them to complete their discussion and then hopefully move towards that.

May I do that.

COUNCILWOMAN ADAMS: Okay.

PRESIDENT KING: Thank you.

Councilman Blackwell.

COUNCILMAN BLACKWELL: Yes, Mr. President I don't know if this timing is right, either and you can correct me if it's not and I can wait.

But I have a proposed amendment that I would like to make.

Actually a substitute that actually deals with some of the things that in the committee we all pretty much agreed were safety needs that we needed to have in any of these magazine storages as we went through the discussion. So if it's an appropriate time to present that, I will.

If --

PRESIDENT KING: The floor amendment is in order.

COUNCILMAN BLACKWELL: Then I will pass that out then and give you a copy.

And basically what we have here is I would like to move this amendment as a substitution.

And basically what it does is to say that if we are going to use any funds for an ammunition bunker, that it needs to include four things that we talked about in committee.

A number of times.

And that is the items are one, that the storage facility will never be used for more than 50 pounds of explosives at any given time.

In our discussion, there was some confusion about how much the storage facility could hold.

And actually, I think Councilman Heiner made the point that the storage facility, the manufacturer, what they said it could possibly hold and then what we were saying we were going to store there weren't one and the same.

So with this ordinance would say is let's be very clear here. Let's be clear that what we're talking about is 50 pounds of explosives only at any given time. Regardless of what the manufacturer says the facility will hold.

Secondly, that the storage facility will have signage that clearly communicates the 50-pound capacity.

There was a concern that you can say that that's what you're going to use.

But you need to make sure that people who are using it the police officers and so on who are using it are clear that that is the capacity.

No. 3 is the eight-foot berm that's a part of the original plan right now is that there's an eight foot berm that goes around the back -- well the back side or front side depending on which way you're looking at it the side that is closest to the water company facility.

And the suggestion was made or in the discussion there was a suggestion made that we bring that berm all the way around the facility.

And so No. 3 would just be that that eight-foot berm is constructed around the entire facility.

And then four, that the storage facility will contain copies of the manifest of contents so the -- again as the police officers as they are putting whatever it is that they -- whatever explosive they might be putting in there would have it noted right there what is already present so that they can clearly know if we're going over the 50 pounds.

Because that was a real concern that people had.

And so I would move this amendment as a substitution.

PRESIDENT KING: Do I have a second?

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT KING: The amendment by substitution has been properly moved and seconded.

We're now in discussion on the amendment by substitution.



Councilman Downard, you were registered to speak next.  
Do you want to speak to the amendment by substitution.

COUNCILMAN DOWNARD: I'll speak to that, too.

Does it say anywhere -- we're okay putting it in Cardinal Hill but as long as it has these three things. May I ask the president to find is there a definition of 50 pounds what kind of explosives is not C 4 different than a firecracker? I mean 50 pounds is -- I don't know what that means in terms of the volume of explosive power depending on the type of explosive you're talking about.

PRESIDENT KING: Well, if you're asking me what 50 pounds is --

COUNCILMAN DOWNARD: What does it do in terms of definition.

PRESIDENT KING: I don't know I can answer anything other than 50 pounds weighs 50 pounds.

COUNCILMAN DOWNARD: I understand.

PRESIDENT KING: Beyond that, I do not know.

And if you're not comfortable with it of course, you can always vote against it.

COUNCILMAN DOWNARD: Could you ask clarification from the sponsors 50 pounds of firecrackers is different than 50 pounds of C 4 explosives.

How do you determine what 50 pounds we're talking about?

PRESIDENT KING: If the sponsor would like to respond to that, I'll take him out of order.

COUNCILMAN BLACKWELL: Thank you, Mr. President.

I can say I've only had the discussion in the committee that the -- and -- when we had the expert from the Police Department come speak to us, he spoke of the 50 pounds as being -- that's been the number that has been used from the very beginning on the bunker that we would never store over 50 pounds and as I understand it it's -- I don't know the exact formula of how you determine if that's what the question is how do you determine what is 50 pounds of explosive power, I don't know that -- we would have to bring a police officer or -- we would have to ask somebody to testify to that because I'm not an ammunitions expert by any stretch of the imagination but that was the number that they used in the beginning from this discussion that we would store no more than 50 pounds of munitions.

PRESIDENT KING: Councilman Downard I assume it answers your question.

COUNCILMAN DOWNARD: There isn't an answer we don't know what 50 pounds is we just know it's 50 pounds we don't know the explosive power whether it can blow up a half a city or a box.

PRESIDENT KING: Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President, I would just like to remind you that there are the Police Department here that work in that division if you're looking for an expert.

We've heard a lot of things that have been said that were not true.

And one thing I wanted to clear up and remind my fellow Council members as well as the viewing public, the Police Department do not drive around in their cars, pick up bombs and carry and transport those.

Actually, what happens is they have -- we've seen the robot device that they've used.

Not too long ago over on the Federal courthouse.

There was a briefcase that was thought to be a bomb. It was not a bomb. It turned out. But they used a robot under controlled circumstances they explode those. Whether it's in the single vented container that they use, but they clear the area. And explode them under a controlled environment. They do not transport bombs anywhere. Or anything they think is a bomb.

PRESIDENT KING: Councilman Stuckel?

COUNCILMAN STUCKEL: Yes.

I was going to ask Councilman Blackwell, I don't know how the 50 pounds came about. But from my military experience, I think a case of cartridges weigh far more than 50 pounds. And if you got -- if -- this was going to be also used to keep I think exhibits that they had gotten and investigations, that kind of thing. If you had something that was 60 pounds, what would they do with that?

PRESIDENT KING: Councilman Heiner?

COUNCILMAN HEINER: Thank you. I have a question for the sponsor. And that is if they would consider -- if you would consider this a friendly amendment. We can always -- he's tied up for a second. So we'll just wait.

COUNCILMAN BLACKWELL: I'm sorry.

COUNCILMAN HEINER: I was wondering if the sponsor would consider a friendly amendment to add an Item 5 to his list that says the facility will not be located at the Cardinal Hill reservoir property or any other location within 700 feet of residentially zoned property and I'll tell you the reason for 700 feet we had testimony that the Federal blast distance is 350 feet for this facility and before we put it next to a residential facility, I think we need a safety margin there.

We had testimony from an explosives expert that said the real problem with ordnance is not necessarily that it blows out because this facility has no shielding capability whatsoever. It's just weather protection. So it just blows up. Anyway. But the ordnance, he said the problem is it goes up, flies up and comes down. So the blast zone is 350 feet.

But they have some margin of safety I was thinking 700 feet which would make -- we're already with the 350 feet getting over into residential property. Anyway.

So my suggestion would be just to add on there, which I think would protect Councilwoman Welch's concern and her neighborhood and really kind of push this towards sort of -- more of an industrial zone and away from people's houses.

So again, No. 5 would read this facility will not be located at cardinal reservoir property or any other location within 700 feet of residentially zoned property.

And I'm wondering if the sponsor, if you would accept this as a friendly amendment.

PRESIDENT KING: Councilman Blackwell you were next to speak.

Councilman Stuckel that's why I went straight to Councilman Heiner because I knew Councilman Blackwell would have two questions.

COUNCILMAN BLACKWELL: Yeah, first of all, I would not consider that to be a friendly amendment and the reason I would not is because the testimony that we had as Councilman Heiner pointed out -- well, let me back up. Everyone I think certainly the Police Department has told us that they need this storage facility.

And I think we agree that we need to do that. Maybe there are some who disagree with that. But I haven't heard that too much. We're on board as finding a place. And what my concern would be is if we -- if we strike Cardinal Hill, which is the only place so far that we've had testified that meets criteria, and we leave the others, then we're back to what I consider to be -- I would be very concerned about again. You know we're back to that 100 list, the 100 list where 70% of them are in parks and playgrounds. You know, we're back to talking about Riverport. We're back to talking about Greenwood boat docks and Iroquois Park and Jefferson Forest and some of those things that I don't think frankly our constituents if they heard those options when they get E- news blast and robo calls if they heard those other options of perhaps you know we don't want -- call your Council member and tell him you don't want it in Cardinal Hill but if it was further to say tell you him do want it in Iroquois Park or the Greenwood boat docks or Riverport or parks and playgrounds, I think we probably wouldn't hear much from people if those were the options. Strangely, we don't -- none of those things ever gets put into those messages. So I don't think it's a friendly amendment to rule out the only alternative that we have at this point that we've heard as testified to as fits the criteria of Public Works and the Police Department. And I would also suggest to go back to the 50 pounds discussion, you know, I readily admit I'm not an munitions expert and I think Councilwoman Flood's point about having somebody having our expert in the back of the room who is an expert, that might be a good idea to have them explain to us what the 50 pounds means. And if I need to make a correction in the language.

PRESIDENT KING: Councilman Johnson?

COUNCILMAN JOHNSON: I'll second Councilman Heiner's amendment.

PRESIDENT KING: Thank you. Councilman Heiner you have the floor. Do you want to renew that amendment?

COUNCILMAN HEINER: Yes, I would like to amend the proposed amendment to say the facility will not be located at the Cardinal Hill reservoir property or any location within 700 feet of residentially zoned property.

PRESIDENT KING: I have a motion to amend this amendment by substitution. Do I have a second?

COUNCILMAN JOHNSON: Second.

PRESIDENT KING: Councilman Johnson.

COUNCILMAN JOHNSON: I seconded it.

PRESIDENT KING: Thank you.  
Is there any discussion on this amendment?  
Hearing none, all in favor say aye.  
(Chorus of ayes.)

PRESIDENT KING: Opposed?  
(Chorus of nays.)

PRESIDENT KING: I'm going to have to do a roll call on that.

Madam Clerk, please open the voting.

**Voting Result: Heiner amendment – 700 feet**

JUDY GREEN: NO  
BARBARA SHANKLIN: NO  
MARY WOOLRIDGE: NO  
DAVID TANDY: NO  
CHERI HAMILTON: NO  
GEORGE UNSELD: NO  
KEN FLEMING: YES  
TOM OWEN: NO  
TINA WARD-PUGH: NO  
PRESIDENT JIM KING: NO  
KEVIN KRAMER: YES  
RICK BLACKWELL: NO  
VICKI WELCH: NO  
BOB HENDERSON: NO  
MARIANNE BUTLER: NO  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: NO  
DOUG HAWKINS: YES  
ELLEN CALL: YES

THE CLERK: There are 12 yes votes and 14 no votes.

Those voting yes Councilman Fleming, Councilman Kramer, Councilman Downard, Councilman Stuckel, Councilwoman Adams, Councilman Heiner, Councilman Benson, Councilman Johnson, Councilman Engel, Councilman Hawkins and Councilwoman Call.

PRESIDENT KING: Thank you. The proposed amendment fails. We continue to discuss the floor amendment, which is an amendment by substitution.

And Councilman Heiner, did you need to have -- be recognized still?

COUNCILMAN HEINER: I think that's left over.

PRESIDENT KING: Okay.

Councilwoman Green.

COUNCILWOMAN GREEN: Thank you, Mr. Chair.

Now, we are basically having a committee meeting right here on the floor.

We've got two -- at least two other serious items that's coming before -- well, very serious items that will probably be lengthy in discussions coming before us. It's been suggested that we vote it up or vote it down. And someone has called for the question. And I would like to add my two cents in to call for the question. Thank you.

PRESIDENT KING: All right.

There's been a motion that we call the question.

Is there a second?

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT KING: All right.

All in favor say aye.

(Chorus of ayes.)

PRESIDENT KING: Opposed?

COUNCILMAN HEINER: No.

PRESIDENT KING: The ayes have it the question is called.

The question is on the amendment by substitution.

Let's -- Madam Clerk, please open the voting.

THE CLERK: One second, sir.

COUNCILMAN PEDEN: Mr. President, just to clarify we're only voting on the amendment.

PRESIDENT KING: We will only vote on the amendment by substitution we will then have the amended ordinance before us for further discussion.

COUNCILMAN UNSELD: Mr. President you registered me voting yes --

PRESIDENT KING: Councilmember Unseld is voting yes. Without objection, the voting is closing.

**Voting Result: Blackwell Amend by substitution**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: NO

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: NO

GLEN STUCKEL: NO

JULIE RAQUE ADAMS: NO

HAL HEINER: NO

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: NO

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: NO

ELLEN CALL: NO

THE CLERK: There are 17 yes votes and 9 no votes. Those voting no Councilman Fleming, Councilman Kramer, Councilman Downard, Councilman Stuckel, Councilwoman Adams, Councilman Heiner, Councilman Engel, Councilman Hawkins and Councilwoman Call.

PRESIDENT KING: Thank you the amendment by substitution passes we now have the amended ordinance before us. Is there any further discussion on the amended ordinance.  
Councilman Heiner?

COUNCILMAN HEINER: Yes, would lie to propose an amendment to this ordinance.  
It would be a No. 5 under Section 1.

And just say this facility will not be located within 700 feet of residentially zoned property.

COUNCILMAN FLEMING: Second.

PRESIDENT KING: Awfully close to being, the same amendment but we'll accept that.  
I have a second on that. Is there any discussion on that amendment.

COUNCILMAN HEINER: President King, if I can explain the amendment.

PRESIDENT KING: Go ahead.

COUNCILMAN HEINER: Again, you know we heard about 350-foot blast zone.  
I think regardless of where this is located in this community.

And there are plenty of sites that we can be 700 feet from residences.

And don't forget what this facility looks like if you look at it from your backyard.

It's got concertina wire around it it's got cameras it's not pretty it's got a huge concrete slab, metal building looks like sort of a boxcar without the wheels it's got all sorts of danger signs around it so just imagine you know selling your house and somebody walks out in the backyard and what's that?

That's some reason I think to be not just 350 feet but 700 feet from residentially zoned property.

We've talked about one of my colleagues talked about you know a mobile home park.

This would protect the mobile home park.

But there are plenty of places in this community that we can stay 700 feet from somebody's home.

So anyway, I make that motion to add new No. 5 staying 700 feet -- no matter where we locate it, we stay 700 feet away from residentially zoned property.

PRESIDENT KING: We have a motion and a second.

Councilman Owen?

COUNCILMAN OWEN: I just need to make an observation.

And I don't know. I guess I'm maybe feeling sorry for myself.

Because I have -- I have voted at least consistently differently than 12 of my colleagues.

What I wish is that -- the thing that makes it so difficult I think is that opposing a site is so easy.

Of it's just so easy.

Because then it's not incumbent upon the 12 colleagues who voted on that earlier motion.

Can all 12 colleagues who voted on that earlier amendment voted against that earlier amendment, can you support a site that all 12 of you are ready to deliver tonight to us?

How is it that the 12 have just been kind of consistently, consistently opposed?

Well, we made 100 suggestions.

Did you settle on one that all 12 of you could get under and get behind?

Ready to put your vote on the line for it?

Well, but what about -- but what about. But what about?

It seems to me that the police and Public Works just kept on taking you seriously.

But when you didn't come up with one, did you go shopping with your 12 votes and say: We're ready.

We got one. We're ready to back it and we have 12 votes did you knock on my door and say this is such a better site. This is really the one that this community needs. I don't think I have ever heard that.

All I've heard is that one is wrong. And then a little time goes by. That one is wrong.

Same one.

Wrong.

Wrong.

Wrong.

Give me that 12 votes for the right one.

And that's what I haven't heard.

PRESIDENT KING: Thank you, Councilman Owen.

We're still talking about -- we're talking in discussion on Councilman Heiner's amendment on the 700-foot limit. Councilman Blackwell you were registered to speak next.

COUNCILMAN BLACKWELL: Thank you Mr. President I would like to follow -- I'm happy to follow Councilman Owen's discussion there. Because I think that really is the point.

That when you get into -- that not in my backyard mentality of saying you know what?

This site is just not good.

And you know Councilman Heiner suggested that administration came up with a list of ways to say the other sites just aren't good.

And one could accuse the 11 or 12 of the same thing.

You know, you come up with criteria to say why this particular site isn't good.

And administration had asked us when we gave our input into where we want -- where else -- where are other places that this could be located when they asked us for that input, they were careful to ask us for the Council members to give us sites that are in your own District.

Because they recognized that, exactly what Councilman Owen just said.

It's very easy for you and your District to say: Hey, no way.

I'm going to fight this thing.

You know, I'm going to win some points here.

And I'm going to fight this in my District.

Because where it needs to be located is in your District.

But unfortunately, that's exactly what we got.

What we got was a list of not in my backyard.

But it would be great in your backyard list.

And when we get into that, everything that we bring up -- once you go down that road, everything you bring up is going to have that same flavor to it.

If we were tonight to say Cardinal Hill is out, the next location, how in the world is the Council member going to be able to say the next location is okay?

If the next location is in my District how can I say hey it's okay in my District.

It wasn't okay in Councilman Hawkins' District but it's okay in my District or if it's in Councilman Owen's District, how is he going to say to his constituents yeah, it's okay in our District.

That's just the wrong way.

All of us have things in our Districts that we would readily move to somebody else's District if we had an opportunity. Sometimes it's -- it might be some manufacturing.

It might be you know in my case the LG&E plant in the northern side of my District.

I mean all of us have things that if we had our opportunity we would move to other Districts.

You know, the fact is, there's got to be some way that you can look objectively and say, you know, what

does it meet?

What does it meet?

And who is going to make that decision?

And frankly, I don't think that making the decision on the Council level and in a political year is probably our best -- our best way of making a good rational decision for public safety.

PRESIDENT KING: Thank you.

Councilwoman Green.

COUNCILWOMAN GREEN: Thank you, Mr. President.

Councilman Heiner, when you proposed that it would be 750 feet within a residential area, doesn't that in fact disqualify Cardinal Hill?

And I understand that you know nobody wants this in their District.

But it's got to be somewhere.

I have an MSD sewer treatment facility in my District.

And up until about three months ago when you ride around Southwestern Parkway, it smelled like a sewer. But a sewer treatment plant has to be somewhere. Again, I think we're just going back and forth. Back and forth. I think we should get on with the business tonight of either voting for it or voting -- or not voting for it. And again, I don't hear another alternative that anybody has suggested.

And also what -- but what I do hear is there is -- there's just a basic distrust of this administration.

The director Pullen has said that they have spent \$10,000 and X amount of man-hours.

Researching this. I tend to want to believe him.

And I believe people unless they give me a reason not to.

So I would suggest that we vote either for this or not vote for it.

We've had expert testimony that this is not something that's going to be detrimental to being placed at Cardinal Hill. And I say let's get on with the business that we have to do tonight.

PRESIDENT KING: Thank you, Councilman Fleming?

COUNCILMAN FLEMING: Mr. President, it seems to me that a lot of things come down to criteria.

And coming up with that criteria for whatever reason that was put together, we have to look at.

And I will bring up one particular example that I observed in discussions and answer maybe two colleagues from the other end of the aisle here is that one particular property was suitable except for a very small fraction of it that was in a flood zone. Okay. So all right. Technically according to what the criteria is all right it doesn't qualify. But sometimes we have to use some common sense and logic.

And some things. And how much of a significant impact would that be to the community or not to the community if we affect a flood zone a small portion of that flood zone correct me if I'm wrong but a small portion of the -- what's the impact I think it meets the other criteria if we use common sense it doesn't meet the criteria and I'm not trying to be forcing something down the path here.

And police have to come up with a criteria because I respect them.

And obviously, they are the experts.

But also too with that if there's a dire need to protect the community from any type of explosion regardless if it's 100 pounds or 50 pounds or 2 pounds there needs to be some common sense on where to locate this. And if a flood zone is a hiccup on this particular process then we need to think twice about it because it really doesn't have that much of an impact. And Mr. President, I know you have some other people.

But I really would like to call the question.

COUNCILMAN DOWNARD: Objection.

COUNCILMAN HEINER: Object.



PRESIDENT KING: I don't have a second on calling the question at this point.  
So I will go to Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President.

I would like to put forth a couple of things.

There's a lot of claptrap being thrown around here. Okay Councilman Blackwell I suggested three items on my list they were all in my District.

Not in anybody else's District.

Period.

Councilman Owen I have to listen to either you don't know what his amendment was or you're trying to talk.

But let me tell you something.

I'm one of those 12 votes.

I didn't say I don't want Cardinal Hill because it's in my District. I said I don't want it because there are hundreds of people e-mailing me saying it's bad they are all residents in that area now what Councilman Heiner said was the process stunk. It smelled from high heaven.

100 sites with all kinds of ideas about why they didn't work and the criteria work changed from the first meeting to the last which leads me to believe that they were changed so things wouldn't qualify and Councilwoman Green, you're right I don't trust the answers. I'm sorry.

Now let me tell you what's been proposed.

It was proposed not to put it in your District or my District.

It was set 700 feet from the people's living spot.

Period put anywhere you want if it's not within 700 feet does it exclude Cardinal Hill yes it does it does because there are hundreds of people I don't know maybe thousands who have said I don't want it there.

Well, look, if it's one or two people, I understand.

In zoning cases Councilman Owen, you see this every time there are 15 people who say traffic is a problem no matter what you do or where it is but you have to make some kind of adjustment and sometimes you have to listen.

And I think that as being one of the 12 votes I wasn't sitting there saying this is for politics darn it this is a wrong thing to do it was done in a process that came in here that offended me as a member of this Council.

I sat and watched that Council meeting and I thought good grief which pumpkin truck did we jump off of or at least I thought we did so I think we've got a reasonable amendment here if not vote it up vote it down let's get this thing out of here because I'm kind of tired of talking about it because -- but I won't call the question but don't accuse me of saying put it in my District and not mine because I suggested my District and my District only.

Thank you.

PRESIDENT KING: Thank you. Councilman Heiner?

COUNCILMAN HEINER: Thank you, just a couple of comments.

Again, I would like to redirect my colleagues that this is not a site specific but is based on going twice the distance of the 350 feet.

This facility according to Federal requirements has to be 350 feet from a rail line.

350 feet from a road.

And I think someone's backyard deserves to be 700 feet.

Now whether Cardinal Hill fits it or doesn't fit it. Really, I don't think fits it but there's a large property maybe it does if I don't know where they have it planned right now at the spot they are planning it doesn't fit.

Another one of my colleagues talked about give us some sites.

Well, we did. And basically administration just said no. And I think maybe a site at let's take I'll name four. Outer Loop landfill. I mean, no residences anywhere around there.

There's a lot of that landfill that's fully capped. And that's closed.

There's large wetland areas that you could put this not in the wetland or flood plain but put it adjacent to it so you really need a small amount of area it already has a guard shack our trucks are in there.

That's basically what we use for our city. We are in and out of there on a nonstop basis.

You've got security. We basically are there by far their only customer.

You know, I think we could probably work out some little lease agreement they have a monopoly on all of our solid waste.

I think I know some spots in there that are far from anybody that I can't imagine anybody on this Council would object to not on the landfill itself but off the slope just before you get to the wetlands area that they constructed. So there's one. What did we hear back from the administration?

Oh, they've got flood plain there. Well, sure they do. They have 10% of the site.

The suggestions not to put it in the flat plain to put it at the edge of the flood plain put it at the edge of the ground that can't be used for anything else that no one will ever build.

We talked about the Renaissance Zone.

My colleague says well there's a mobile home park there.

I know exactly where it is.

I've been in that mobile home park well the proposal we're talking about a site that's hundreds of acres and you wouldn't put it by the mobile home park. This amendment would keep it away from there but there is significant wetlands and flood plain in the Renaissance Zone that the corps of engineer is going to require the Board to leave untouched so you find a little finger there -- finger there that's surrounded by the wetland and not in the flood plain.

The reason it got scratched off is we don't own the Renaissance Zone we have to buy it well it's sort of like the left hand buying from the right hand how many millions have we poured into that and even if they did sell it to us, the Public Works director said that could cost us \$150,000. Well, okay.

We give \$150,000 to the Air Board they would turn around and buy out one more person that wants out of there that they can't move today because there's no money so we would -- no money so we would help somebody by doing that.

Could we all get behind that. You betcha we can buy two acres and it doesn't affect the rest of the hundreds and hundreds of acres in that zone the blast zone would do flood -- sure we can get behind that the administration said no we can't go there 10% of the property we don't plan to put it in the flood plain that was the kind of non-corporation.

So where do you go from here when you're not getting a response.

The Jefferson County fire-training center.

Hundreds of acres.

Nobody around there.

They said well there's flood plain there, too.

Sure, on 5 or 10% of the site we're not proposing to put it in the flood plain. We have a big parking lot they would love more police presence there they did say they talked to Chief Barth who heads that group that's essentially on the administration staff and presented it and they didn't like the idea but I think the way it was presented that we had to own the property that's located let's do something cooperative with the suburban Fire Department we don't have to own it. How about 149 year lease?

We've done that before. A dollar a year.

[Laughter.]

Another area we brought up in the discussions is out at Riverport next to the coal barge unloading facilities. Nobody want to live next to that it's all industrial zone businesses don't want to be right next to a tippie or whatever you call the things that unloads the barges in the Ohio River, so what.

Put it just out of the flood plain you know build an elevated platform it's a small little area and put it back

there that's all under security. You can't drive back to that coal unloading facility it's all a secure area so yeah there are a lot of good areas but when we brought those up in our discussions our hour, our hour and a half of discussions, nobody is biting.

The administration is not saying that's an idea let's explore that together.

No, it's just no. These don't work. We're going back to Cardinal Hill. So back to the 700 feet.

I think this works throughout the whole community we just find a spot away from people's houses and I ask you if this was in your backyard, would you be happy with it 300 feet from your fence.

Would you be happy with a concertina wire probably lit at night cameras on it explosive signs, danger, danger, are you happy with that 300 feet off your backyard? I don't think so.

I think when it came time to sell your house it probably has an effect on the value of your house.

So again, this amendment is about just setting a 700 foot distance which is twice the distance this would have to be from a rail line or a roadway.

To make sure that it doesn't interfere with property values for the enjoyment of their backyard. I urge your support of this amendment.

PRESIDENT KING: Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

I've been relatively quiet through this entire discussion from the time this came to us up to and including this point in the evening tonight.

I spoke publicly when this first came up as an issue, a constituent of mine at one of my town hall meetings said if they were going to do a bomb shelter in our backyard would you fight for us and I said you know this can't be about it doesn't belong in my backyard.

So I really take offense when councilmen from District 8 suggests that I'm saying put it anywhere but my backyard. I've not said put it anywhere and this isn't in my backyard.

I am saying it doesn't seem logical to me that we would try to make the argument that a safe buffer distance from residential property is equal to the proposed blast zone.

So if the testimony -- and I understand, the testimony is -- let me rephrase this.

It's not an if. It's because the testimony is that the blast zone would be a potential of 350 feet, it stands to reason that there should be some buffer zone between the blast zone and what you would consider safe. You know I'm being trashed here as one of the 12 for not coming up with an alternative site.

And yet in previous meetings I've sat and listened to my colleagues who have railed against us, micro managing the administration. This was -- you know you watch this thing for four months.

Clearly, the sponsor doesn't want this at Cardinal Hill. Start there. I'm not going to make any claims otherwise. When it first came up it didn't seem like -- it seemed to me like it was the sponsor didn't want it at Cardinal Hill I understood where he was coming from this is in his District. He's obviously looked at it more carefully than I have my only questions would have been does it make sense as the questions were asked the more questions that were asked the less comfortable I became and again I sat back and watched and tried to pay attention to what's going on. But this evening it's gotten to the point that we are being accused of all kinds of things.

I'm not even going to repeat the accusations because it just amazes me. We are being accused of all kinds of things. And the reality is, we are being asked to vote that the blast zone for this facility is equivalent to a safe distance from a person's property. I'm baffled.

If folks want to accuse me of not putting it in my backyard, then fine.

I don't want anything in my backyard or the backyard of any of my constituents where the blast zone is equivalent to what we are calling a safety buffer. Now if 700 feet is extreme then let's hear something that's not.

I understand and it seems like simple math to me to the Councilman from District 19 is the blast zone simply double that and say, it's a safe buffer that seems reasonable. if it's not reasonable and you can think of some other number that makes more sense and if you can show me evidence that's not

equivalent to the blast zone I can be move moved from the 700 feet to some other distance from residential property.

But not having some -- something that I can tie the logic to, I just don't understand how come I'm being lumped -- well, I do. I do understand it. I shouldn't say that. I'm frustrated by what I understand to be true. This is not about my backyard.

It's about what just makes good sense and if you watched -- if anybody watched any of that public safety meeting, just clips of it, you didn't have to watch the whole thing. If you watch just clips of it, it was very obvious from the body language, from the choice of words and from the demeanor of the testimony that there was no intention of anyone outside this Council locating that facility anywhere other than the place that they had come to us and said: We're putting it here. So I don't want to micro manage.

I don't want to go back and say Mr. Mayor this is the place it has to be.

But I do want to say we have a responsibility. Put it in a safe place.

350 feet is the blast zone.

Don't come to me and try to get me to accept that that blast zone equals a safe buffer distance.

PRESIDENT KING: Thank you, Councilman Kramer.  
Councilman Owen?

COUNCILMAN OWEN: Mr. President, colleagues, I did inveigh against the 12 for not after four years, four months of study coming up with an alternative site that all could agree on. I did say that.

On the other hand, I think I was inaccurately accused of saying not in my backyard.

I think he meant to -- to criticize the colleague next to him from District 13 rather than District 8.

PRESIDENT KING: Thank you.  
Councilman Blackwell?

COUNCILMAN BLACKWELL: Well, maybe the District 12.  
I don't know.

COUNCILMAN OWEN: Are you 12?

COUNCILMAN BLACKWELL: I'm 12.

COUNCILMAN OWEN: I got mixed up in numbers.  
It's you who is me.

COUNCILMAN BLACKWELL: And I wouldn't accusing certainly I understand that Councilman Kramer that's not in his backyard it's a far stretch for it to be in his backyard.

I would go back to this whole thought about the backyard.

Because one of the things when we actually visited the site, and Councilman Heiner went out and visited the site with me, we walked the whole area. We walked the fence line.

And one of the things that was amazing to us is that we kept hearing this kind of language, this in my backyard and see this thing.

See this monstrosity in the backyard and it would make our -- the value of our homes go down because you know you go to sell your house and you step out on your balcony and it would look like a concentration camp behind you or something.

But the reality when we visited and when we looked out and when we walked the line was that you didn't see anybody's backyard at all.

And in fact, Councilman Heiner and I kind of looked out one point and he said: Yeah, I think I see something down there that might be a driveway.

We had to kind of bend and look and search through trees to see if that was in fact a driveway or if it was a road or what it was down there.

So the implication that this is backing up to someone's backyard and that they are coming out and that fence, the fence that the water company is the backyard fence is crazy. We walked that whole area. And there isn't. Should somebody's property line go up to that? Sure. But I just don't want the viewing public to get the impression that we are talking about somebody stepping out on their deck and being able to see this. It's at the very top of the hill. And the storage facility that has been -- the security has been increased after the 9/11. And is very secure. And I would remind, again, that if we get back into this -- into this, not this site, not this site and not this site but I don't have a proposal but not just this site, you know, it's just a very slippery road to go down and I feel we will never find a site. The police will have an impossible time trying to find the site that someone on this Council is not going to rail against because it's in their District. You know, we go back again to the 70% of the suggestions were in parks. We go back to saying we're going to put in a Riverport or are we going to put it in Iroquois park or are we going to put it at Greenwood Boat Docks. People are going to say just put it there, it's a good idea. There is nothing. There is no place that people are going to say hey that's just a great place and we welcome it with open arms. That's just not going to happen.

PRESIDENT KING: Thank you and to remind everybody we're still discussing Councilman Heiner's motion for the 700 foot buffer which is an amendment to the amended ordinance that we approved a little while ago.  
Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.  
And I will be brief.  
The storage facility as I understand now is on Algonquin Parkway.  
It very well could be in my District. I'm not sure. Parts of Algonquin Parkway I do represent.  
And I'm saying that to say that it's in somebody's backyard as we speak today.  
And it may not be 350 feet in their backyard. I will not vote in favor of this amendment, Councilman Heiner. I do believe administration worked in good faith with us and the public safety committee to look at these sites that we suggested. And if they just didn't fit the criteria, it just didn't fit. If it don't fit, it just does not fit. Thank you, Mr. President.

PRESIDENT KING: Don't start Councilman Tandy.  
[Laughter.]

PRESIDENT KING: Okay.  
Bring everybody back to focus here for a minute see if we can get through this.

COUNCILWOMAN WOOLRIDGE: Mr. President let me say this at this point in time if I was the police I would not even want Cardinal Hill because everybody in this County and all of the surrounding counties now perhaps know where this storage facility is going to be. You know, and I talked to the bomb expert when he was here. And he really didn't think we should be continually discussing this publicly.  
Thank you.

PRESIDENT KING: Too late for that.

PRESIDENT KING: Now we're going to the real Councilperson from District 13, Councilwoman Welch.

COUNCILWOMAN WELCH: Thank you, Mr. President.  
I would just like to point out that the sites that Councilman Heiner gave I'm not sure whether Jefferson

County fire training area is but all three of the others are in the south end. Again dumping in the South End. Can you not come up with one in District 19?

You know, all the sites that you all gave, you knew what the criteria were.

You gave sites that you knew did not meet the criteria. You and Mr. Hawkins. You know.

You knew they were going to count them out because you knew they didn't meet the criteria beforehand.

So you can't come in and make the public think that oh, we gave 100 sites.

Because you know 95 of those sites, 5 of the criteria didn't work.

So I just want the public, especially my constituents to know that your 100 sites wouldn't have worked from the get-go. And many of your sites are still suggested dumping in the south end.

As Mr. Hawkins claims, is what he's against. But he's for these --

COUNCILMAN HAWKINS: Councilman Hawkins did not claim that.

PRESIDENT KING: Councilman Hawkins, You'll be recognized next.

COUNCILWOMAN WELCH: You have claimed that in your e-mails against me giving my name, my phone number, my e-mails to people with false information that I don't care about the south end.

And that certainly is not true.

COUNCILMAN HAWKINS: You'll have to show me those e-mails, ma'am.

COUNCILWOMAN WELCH: I have them all saved, sir.

I certainly do.

COUNCILMAN HAWKINS: Good.

PRESIDENT KING: Councilman Hawkins would you like to continue speaking.

COUNCILMAN HAWKINS: Yes, I want to point out we have never said not in our backyard. what we have said from the very beginning this is not the proper place on the city's water supply. why take the risk. And Ms. Green, Councilwoman Woolridge, this affects you all as much as it affects my District this Cardinal Hill reservoir supplies water to everywhere from the west end of Louisville to West Point Kentucky past Interstate 65.

It supplies the majority of the water to the city of Louisville and if something happens with this bomb storage facility and it breaches the water supply, it affects all of us and that's what we said from the very beginning. I've not said not in the south end and not in my backyard, I said we do not put this on top of the city's water supply.

It makes absolutely no sense and there have been to be other locations in this city that are more -- they are better suited for this than on top of the city's water supply. there's absolutely no risk to take that extra risk. and that's what we said from the very beginning we have not said not in our backyard we haven't said don't put it in my District I know it's not an argument I can come to this Council with it doesn't make sense.

but when you put it on top of the city's water supply the main water supply for the majority of the city you're endangering everybody.

And we've heard from the explosive experts if there's anything that can go wrong it will go wrong and you have to be ready for that.

And we may not know about weapons today that will affect or breach that water supply right now.

And it may not make sense.

And I've heard some people say well nothing has happened in 34 years I've not seen it that's the past 34 years that's not the future 34 years and we don't know with this war on terror the way it's coming closer to this country we don't know what we're going to be dealing with.

And I'm just saying common sense, common sense dictates you do not put it on top of your water supply we just had an emergency in this city where a majority of the city lost their power.

Okay, electricity, and we know how much we went through and how much we suffered without the electricity. We can go two weeks without electricity. We can't go two weeks without water that would throw the city into total pandemonium. I'm saying for the sake of our children and for the sake of the future of this community we need to rethink this is where it's going. I know the police need this facility I've never said no to that. I know the police will use it and do well with it.

But we cannot put it on top of the city's water supply.

It makes no sense. To jeopardize the community in that way.

And that's what we've said all the way through.

Thank you, Mr. Chairman.

PRESIDENT KING: Thank you, Councilman Hawkins.

I'm going to encourage my colleagues to wrap this up.

We're still in debate on this one amendment.

And then we will have to vote on the ordinance.

So I'm going to encourage you to bring closure to this.

Councilman Blackwell?

COUNCILMAN BLACKWELL: Thank you, Mr. President.

I will do my best to do that.

But I have to -- there was another thing thrown out that is a bogus claim in this whole thing and I've got to respond to that.

But first of all, Mr. Hawkins claims it was not about it's in my backyard and he gave us 80 sites none of which happen to be in his District so it makes it hard to believe that it's not about not in my backyard.

Secondly, although his claim was that he was talking about the main water supply, I understand his concern about the war on terror.

While I can't imagine that al-Qaeda is targeting our water supply that could be. You never know.

I can't imagine they would take the route of a magazine storage facility when we have so many other things.

I can't imagine you know like when we fill up you know how Ohio River, which is our main water supply with fireworks that Thunder over Louisville. That might be another opportune time a little more fire power than the firecrackers we have in the storage facility. and the whole claim about this being the main water supply is absolutely bogus.

The water company came in, Mr. Hawkins is the only one who identifies that as our main water supply.

The only. The water company came --

COUNCILMAN HAWKINS: the Courier Journal --

COUNCILMAN BLACKWELL: the Courier journal quoted you as saying.

The water company, who is -- and Mr. Heiner will I think remember this conversation.

We had the conversation when we actually went and visited Cardinal Hill and the water company we were talking about what affect would it have.

Worst case scenario what effect would it have?

And even if there was some way to make 50 pounds of explosive firecrackers damage the water supply, which is a stretch, but even if we go that stretch and say okay worst case scenario somehow it damages the water supply they told us there what effect would that have because I asked really about you know what if you had an earthquake what if you have some disaster and he said to us there Mr. Heiner I think you can correct me if I'm wrong but I don't think you will he said to us there that if that water at that site were not to be able to be used, the only effect that it would have on the city south end and anywhere else would be to lower the water pressure for our water for perhaps a couple of days.

No boiled water advisories. No going days without water as the chicken little effect here.

You know.

None of that stuff would happen. Because it is not our main supply.  
It is not our main water supply in the city. Councilman Hawkins is the only one that believes that.  
And I suspect if terrorists were to go after our main water supply they will probably find our main water supply and not go after Cardinal Hill which would have zero effect on us rather than -- other than lowering our water pressure for a couple of days I doubt that's with a they are going to be searching for.

PRESIDENT KING: Councilman Fleming.

COUNCILMAN FLEMING: Since I haven't really heard any new relevant information that's come to pass I think most people are pretty much have their minds made up furthermore we have two other interesting topics I would like to call the question.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT KING: There's been a motion and a second that we call the question.

PRESIDENT KING: Without objection, the question is called.

COUNCILWOMAN ADAMS: I object.

(Laughter)

PRESIDENT KING: Thank you.

Question is on the amendment for the 700-foot buffer.

All in favor say aye.

COUNCILMAN DOWNARD: Roll call vote, please.

PRESIDENT KING: Madam Clerk, please open the voting a roll call vote has been requested.

COUNCILMAN OWEN: Clarify the vote, Mr. President.

PRESIDENT KING: This is on the amendment to the amendment by substitution that has already been approved. This is the amendment that would provide the 700-foot buffer.

This is on the amendment only.

Then we will have a subsequent vote on the ordinance itself.

Without objection, the voting is closing.

The voting is closed.

**Voting Result: 2<sup>ND</sup> Heiner amendment – 700 feet**

JUDY GREEN: NO

BARBARA SHANKLIN: NO

MARY WOOLRIDGE: NO

DAVID TANDY: NO

CHERI HAMILTON: NO

GEORGE UNSELD: NO

KEN FLEMING: YES

TOM OWEN: NO

TINA WARD-PUGH: NOT VITUNG

PRESIDENT JIM KING: NO

KEVIN KRAMER: YES

RICK BLACKWELL: NO

VICKI WELCH: NO

BOB HENDERSON: NO



MARIANNE BUTLER: NO  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: NO  
DOUG HAWKINS: YES  
ELLEN CALL: YES

THE CLERK: There are 12 yes votes and 13 no votes and one not voting.

Those voting yes are Councilman Fleming, Councilman Kramer, Councilman Downard, Councilman Stuckel, Councilwoman Adams, Councilman Heiner, Councilman Benson, Councilman Johnson, Councilman Engel, Councilman Peden, Councilman Hawkins, Councilwoman Call, and one not voting Councilwoman Ward-Pugh.

PRESIDENT KING: It fails. We now have the amendment by substitution the amended ordinance before us. Is there any further discussion on that? I have Councilman Hawkins registered to speak do you seek recognition and I have Councilwoman Butler registered to speak do you seek recognition.  
Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President.

I just want to clarify what Councilman Blackwell said.

The water company would not be affected to where we would not have water for weeks.

We have got valves out there we can turn. We can do things.

We have breaks every single day in the street and you don't know about it because we get out there and turn that valve so your water is not disrupted. You may call us because you have a little bit lower pressure than you normally have but it's resolved pretty quickly those men and women that work out in the field do an excellent job. As you noticed with the recent storm we had, you didn't go without water.

That's not because they weren't working hard. They were working hard and we had generators out there at some of our booster pump stations.

But I just wanted to confirm what Mr. Blackwell said that is in fact correct it would just lower some pressure because water would be coming from a different direction.

PRESIDENT KING: And you are an authority because you work for the water company, right.

COUNCILWOMAN BUTLER: Yes, sir and I spoke to the president of the water company just a moment ago to confirm what I was going to say.

PRESIDENT KING: Thank you.

All right. Councilman Heiner?

COUNCILMAN HEINER: I'll withdraw my request.

PRESIDENT KING: Councilman Hawkins do you seek recognition you're registered again.

COUNCILMAN HAWKINS: Yes, sir.

As primary sponsor -- this is on the floor so I can't withdraw it at this point in time.

PRESIDENT KING: The amendment by substitution was approved you have the amended ordinance yours has already been defeated and is gone we are no longer dealing with yours.  
We're dealing with the amendment by substitution, which actually takes the place of the original ordinance once it's approved.

COUNCILMAN HAWKINS: Okay. I would like to clarify a couple of things.

COUNCILMAN DOWNARD: Point of order his name is on this amendment by substitution as a sponsored.

PRESIDENT KING: Well, it was approved. And I think that that's a valid point.  
The document that was handed out listed Councilman Doug Hawkins as a sponsor District 25 Councilman Blackwell do you want to address that?

COUNCILMAN BLACKWELL: Sure --

COUNCILMAN HAWKINS: Can I withdraw it since I have the floor.

COUNCILMAN DOWNARD: Point of order. Mr. President. He has the floor.

PRESIDENT KING: I would like Councilman Blackwell to address that.

COUNCILMAN DOWNARD: Point of order Mr. Hawkins had the floor and asked to withdraw his sponsorship.

PRESIDENT KING: I will recognize you as soon as I allow Mr. Blackwell to explain what he did.

COUNCILMAN KRAMER: A point of order takes precedent.

PRESIDENT KING: I've already explained -- asked him to explain what he did.

COUNCILMAN BLACKWELL: I simply took the top of the ordinance before and made the correction. Probably should have changed the sponsorship. Because originally I wasn't sure if I was introducing each individual piece as an amendment to Councilman Hawkins or if I was going to amend by substitution when we amend by substitution I should have changed it to another -- changed it to my sponsorship and would be happy to do so.

PRESIDENT KING: Mr. Downard, with respect to your point of view I would like to talk to you about that. We typically allow people to add themselves as sponsors if you want to go through the machinations of having the sponsorship withdrawn and having someone else add their name as sponsor we can do that or we can simply allow Mr. Hawkins to simultaneously withdraw and Mr. Blackwell put his name on it.

COUNCILMAN DOWNARD: You can't do that.

My point of order was Councilman Hawkins had the floor.

He sought to withdraw his sponsorship to this ordinance. He has to be allowed to do that by Robert's Rules..

When he does that, the ordinance is gone.

If you want to put a brand-new one up and we start over.

He has the right to do that and I think he wants to be on record of doing that.

PRESIDENT KING: I will rule from the chair since the document we have before us has his name on it that he may withdraw his name as the sponsor and we no longer have that ordinance before us.

COUNCILMAN HAWKINS: Yes, sir.

PRESIDENT KING: The -- given that this ordinance defeated the original ordinance that he put forward, I would have to rule that we have no ordinance before us at this time.

COUNCILMAN HAWKINS: Thank you, sir.

PRESIDENT KING: Without objection, that is my ruling.

COUNCILMAN DOWNARD: Point of order, Mr. President someone can introduce --

PRESIDENT KING: We have no ordinance before us.  
We're moving onto the next item.

COUNCILWOMAN GREEN: Excuse me.

PRESIDENT KING: Councilwoman Green.

COUNCILWOMAN GREEN: Would you -- did you say we have no ordinance at this point?

PRESIDENT KING: I'm saying that the sponsor has withdrawn his name.  
There is no other sponsor. And there is no other document, before us.  
So we have no ordinance.

COUNCILWOMAN GREEN: Okay.  
So that's it.

PRESIDENT KING: Madam Clerk, a reading of Item 64.

COUNCILMAN BLACKWELL: Mr. President --

PRESIDENT KING: You're certainly entitled to object to my ruling.

COUNCILMAN BLACKWELL: Yeah and I -- I guess I'll clarify first and possibly object.  
If -- once we -- I'm not sure in our rules if we have the ability to -- once we have voted on, once we have moved it forward if we have the ability to do that.  
And even if we do, I think we're kind of circumventing the process here.  
You know, I would suggest that we simply move this -- strike his name, move this forward with my name as a sponsor.

COUNCILMAN HAWKINS: Objection, the chair has already ruled, sir.

PRESIDENT KING: I understand.  
He has a right to object to my ruling.  
He has a right also to appeal my decision.  
I'm not -- this is kind of interesting.  
Because as pro tem I'm not sure that, you can come up and take the chair if you're the one appealing my decision.

[Laughter.]

COUNCILMAN DOWNARD: It would be Kramer.

PRESIDENT KING: Councilman Kramer would have to come up but I would certainly like to ask our County attorney because we are invoking our rules and it is my understanding that the rules provide once a sponsor withdraws their name the item dies but I could be wrong about that and let's let the County attorney give his opinion before we move forward.

WILLIAM O'BRIEN: As much as I would like to give an opinion that would end this discussion, I do believe that Councilman Johnson was.

COUNCILMAN HAWKINS: On the first ordinance not the second.

WILLIAM O'BRIEN: If I'm incorrect but I thought that he had requested to be a sponsor and it was agreed that he would be a sponsor of this ordinance.

And if that is incorrect, then I do believe your ruling that once it was withdrawn that there was no objection -- someone still wants to object, they have to vote on that.

And I do agree if he's arguing against it.

It would then have to go to the --

COUNCILMAN HAWKINS: The chair has already ruled.

PRESIDENT KING: Excuse me Councilman Hawkins.

If you don't mind. So let's get to Councilman Johnson.

Are you saying that Councilman Johnson requested and was a sponsor of the original ordinance and that the amendment by substitution should have contained his name.

WILLIAM O'BRIEN: That's what I thought. But I mean I could be wrong.

Because I thought requested that he be a sponsor of this.

And it was agreed that he would be a sponsor without objection.

I could be wrong.

I mean, I would have to go back to the tape.

PRESIDENT KING: Councilman Johnson were you a sponsor, also, of this document.

COUNCILMAN JOHNSON: It was amended by substitution my name would have stayed there.

PRESIDENT KING: So you seek to continue to -- this document to continue to be a sponsor.

COUNCILMAN JOHNSON: I honestly believe what Mr. Blackwell has done is provided protections around it with the berm going around it and if we're going to do it anyway, I would rather vote on this.

PRESIDENT KING: Then on the basis -- so are you saying that if Councilman Johnson was a sponsor and seeks to continue to be a sponsor, that we should treat this amendment by substitution as having his sponsorship on it regardless of what Councilman Hawkins does with his?

WILLIAM O'BRIEN: Correct. Factually. Now I could be wrong.

But I thought that he had requested to be the sponsor.

And then this is an amendment to that original ordinance.

And to the extent that he's a sponsor, if it's amended he's still a sponsor.

COUNCILMAN DOWNARD: This is an amendment by substitution the old one is gone.

Councilman Hawkins and Councilman Johnson's ordinance is gone.

He was substituted and voted in the substitution with this one and only had Councilman Hawkins name on it didn't have Councilman Johnson. Councilman Johnson never sought preference to be a co-sponsor of this ordinance now to do so after it has been eliminated I don't think you can do that.

It's gone you can't decide later I think I would like to be a sponsor to solve it.

WILLIAM O'BRIEN: Again, I come back to the age-old answer that I always give you all.

You make the ruling.

If people disagree with your ruling, then they can take it to a vote. But originally.

COUNCILMAN DOWNARD: People at home are having fun watching this I can tell you that.

They are asleep.

WILLIAM O'BRIEN: Originally, tonight I thought that Councilman Johnson had requested to be a sponsor.

PRESIDENT KING: Let me ask you -- I think Councilman Johnson has.

Let me ask you another question do our rules provide that once a sponsor has withdrawn their name, the item dies?

WILLIAM O'BRIEN : That was the general rule, yes.

I do believe and accept interpretation.

PRESIDENT KING: Would you like a five-minute recess to determine this?

WILLIAM O'BRIEN I would like to make --

COUNCILWOMAN WARD-PUGH: I would like to make a motion to recess Mr. President.

PRESIDENT KING: Without objection, we are going to recess for five minutes.

**Five-minute recess.**

PRESIDENT KING: The recess has ended the Council meeting will please come back to order.

The matter before us was on the withdrawal of the sponsorship.

And the effect that that had. We have a couple ways we can go here.

One way would be to get into the discussion of the effect of that.

The other would be without objection to leave the item without life.

In other words, to have it dead and gone and take no further action on it.

And we're -- frankly, we're prepared to go either direction.

And I guess I would really like to wait until the rest of the chamber fills. I would talk about just briefly while we're doing that, this is -- in the past we have had items that sponsors have withdrawn their name at the Council level and we have allowed that to die without objection.

Our rules literally read that that sponsorship withdrawal is supposed to occur prior to a vote in the committee.

And I think Mr. O'Brian would tell you that once it comes out of committee, you would take ownership of it at the Council level and that the sponsor couldn't withdraw his name and kill it here.

On the other hand, the item that came out of committee is not what we're dealing with.

We're dealing with an amendment by substitution. We've never really had a ruling on this.

But it could be -- and Mr. O'Brien might want to address this just for perpetuity that whether or not it matters if there's a sponsor once we have it on our floor and the Council has ownership of it or if the person proposing the floor amendment and the amendment by substitution becomes the sponsor.

And I don't know if we need to get into this level of detail at the full Council level.

But if it's not -- if it's not the interest of the Council to continue debating this and moving forward with this item and Mr. Blackwell does not seek to have continue -- have it continue even though he proposed it and the Council as a whole without objection wants it to die we can certainly vote that.

COUNCILMAN DOWNARD: Having some forethought or afterthought, it appears to me that we do have a precedent for this and it goes counter to my previous statement. so this is going to sound a great surprise to some people.

It seems to me that in the smoking ordinance, Councilman Owen I think you were the original sponsor and it got changed to where it did say the reverse of what you wanted and maybe Councilwoman Ward-Pugh you might have been on it also and you said wait a minute I don't want to sponsor what's coming

out of this thing and you came off and put somebody else on and it went on through and that was a very serious ordinance if I remember correctly I may be talking against myself and I guess now I've confused it as much as I possibly can. That wasn't my intention.

PRESIDENT KING: What we had before us was the amendment by substitution.

I had ruled that with the withdrawal of all sponsorship that the item died . whether that ruling is in error or not I don't know it material at this point, if no one wants to go forward with the item that we have before us.

And rather than getting into an appeal of the decision, I just need to find out if there's anyone in the chambers that wants to continue moving forward.

Councilman Johnson.

COUNCILMAN JOHNSON: I'm a sponsor and I would like to see it go forward.

PRESIDENT KING: Well there's some question as to whether or not you're a sponsor.

[Laughter.]

COUNCILMAN JOHNSON: I really was. I really was.

PRESIDENT KING: What I would suggest is that I -- is that I state that I erred in it saying the item was no longer before us. And that the item is still before us. Without objection.

And if we need to question that ruling, I could have the County attorney talk to that.

If there's no objection to the item continuing to be before us then given Mr. Johnson's interest in moving forward with it, the item is still before us. Thank you.

Thank you, Mr. O'Brien.

And thank you, Councilman Hawkins for stirring up that hornet's nest.

COUNCILMAN KRAMER: So without -- without someone objecting to your decision and your having to step down so we can decide whether or not that was a proper decision you've decided through the course of the discussion that you have decided that you erred in your decision and that you're going to reverse yourself on this?

PRESIDENT KING: I believe I have erred in my decision to say the item is no longer before us.

COUNCILMAN KRAMER: So you're changing your ruling then.

PRESIDENT KING: I would like to change my ruling again without objection or at least admit my error so there's no reason to have a vote on whether or not it was accurate. And frankly, I do think at this point it merits additional discussion in some sort of rules committee to go through and talk about how we process things, because this particular situation really isn't addressed in our rules per se.

All right.

The item is still before us.

Councilman Fleming.

We're back in discussion --

COUNCILMAN FLEMING: I have a point of order actually on Councilman Johnson being a sponsor now. I guess the question to the President --

PRESIDENT KING: Who is the sponsor?

COUNCILMAN FLEMING: Is Councilman Johnson the sponsor now.

PRESIDENT KING: I'll tell you what, let me ask Mr. O'Brien to give us some clarification on who the sponsor is if the original sponsor who was named in the amendment by substitution is not the sponsor, Councilman Johnson sought to be a sponsor earlier but he wasn't on the amendment by substitution nor was Councilman Blackwell's name and I see you have two books there so I'm sure there's an answer in there somewhere and obviously I can just rule that Councilman Johnson becomes a sponsor without objection, if you like.

WILLIAM O'BRIEN: What I would prefer for tonight's purposes to be confirmed by the rules committee later or at least discussed is that pursuant to your rule 7.15 which is the only rule in your rules which deal with withdrawal of sponsorship specifically states that any Council member who sponsors may withdraw and the ordinance will die before the committee or before a vote. So that is your rule on the withdrawal. I will acknowledge there have been times in the Council when an individual has withdrawn their sponsorship. And by consent of the Council without objection, that ordinance has died. And that is the way historically you all have treated it. Here that was not. And so what I would prefer if you make the ruling is that on the withdrawal -- and that does not address the issue of the consent --

PRESIDENT KING: Mr. O'Brien let me talk about that for a minute because my ruling was without objection I think that the item was dead. And the only thing that we had had going on at that point was Councilman Blackwell was asking for clarification.

So I'm not sure my -- I guess based on precedence my ruling was accurate if it requires the consent of the Council to allow the item to die. And if someone had objected, then it would be a matter of discussing this whether or not it continues on. And that's really, what we're doing at this point.

Because the way I look at it, I guess and Councilman Kramer to your point based on precedence the ruling I made was probably accurate but Councilman Johnson is -- has objected to a unanimous consent from the Council. to allowing the item to die do you want to address that.

COUNCILMAN KRAMER: : I do I respectfully disagree we'll go back to the smoking ban discussion. We have passed an amendment by substitution that was clearly contrary to what the original sponsor had suggested no one at that point -- I shouldn't say no one obviously there were some who would but the majority at that point wasn't willing to let the ordinance die, however they recognized the person who originally sponsored it didn't want their name associated with it so we were willing to allow them to withdraw their name from the list not their sponsorship thus the ordinance would not have died what I understood you to say that since it came out of committee, that if Councilman Hawkins were to wish to remove his name, that's fine. But the ordinance would remain. And that we would then have the ordinance before us. It's been voted on.

And the ordinance would move forward the way it was voted on absent Councilman Hawkins name.

Now, at some point somebody has got to put a name on there.

And we can get to that.

PRESIDENT KING: That gets to whether or not Councilman Johnson could go on as the sponsor or Councilman Blackwell and that's something for the rules committee what I was saying earlier based on precedence my ruling like I do everything else here was without objection the item is dead because it seemed like everyone wanted it to die until I found out Councilman Johnson wanted it to survive.

COUNCILMAN KRAMER: Your point is that decision -- that's what I was clarifying your point was that decision was in error and that instead by our own rules it did come to us, even if the original sponsor withdrew and so the ordinance is in fact before us.

PRESIDENT KING: What I'm saying is that I don't think it's -- I really don't think it's possible for the chair to err when the chair says without objection. That's all I'm saying.

Because what you do then is if there is an objection then you deal with it like we're doing now.

COUNCILMAN KRAMER: I'm not sure where we are because Mr. Blackwell said you know I have a problem with that and I may need to object but we're staying on the conversation and nobody has objected so your ruling should stand by that logic.

PRESIDENT KING: My ruling does stand until someone objects.

COUNCILMAN KRAMER: Except that, you changed it. Which is fine.

I'm just saying you did -- I even asked.

Are you suggesting that you made an error and that you're now changing your decision and your answer was yes.

PRESIDENT KING: Let me try to get back to where we were.

I think when you and I were talking earlier, I was operating on the assumption that we were just going to move forward. If we're going to get into the details, then what I was saying to you is that when I made my earlier ruling it was based on no one objecting to it. Councilman Blackwell did not object.

He asked for clarification. I asked for Mr. O'Brien to come up and give us clarification.

Clarification we received at this point is that we have it by precedence allowed people to withdraw their sponsorship and without objection from the Council allowed the item to die.

COUNCILMAN KRAMER: I'm saying I respectfully disagree we never allowed it to die.

PRESIDENT KING: That's what Mr. O'Brien has just said and I think that's what I'm talking about.

COUNCILMAN KRAMER: I believe he said --

PRESIDENT KING: Excuse me let him speak to that.

WILLIAM O'BRIEN: Again, I'm going from my memory.

But I do believe that there have been times and if the clerk's memory could also be searched, that a Council member has requested to withdraw as a sponsor and to let the bill or the ordinance die.

This is after it came out of committee and was before the Council.

THE CLERK: It was on the Council agenda.

When it was on the Council agenda.

WILLIAM O'BRIEN: On the Council agenda.

And without objection, it was allowed to be withdrawn or to die. It was not voted upon.

I stand to be corrected. We've been doing this for six years. And maybe I'm wrong.

But I thought that that has occurred. But that is the same as a vote.

You make a ruling. and no one objects to it.

PRESIDENT KING: Right.

WILLIAM O'BRIEN: Right now, the only thing I can tell you is that pursuant to your rules under 7.15 and under the rule reference to your decision, making that under 7.15 withdrawal does not kill the ordinance once it's before the Council.

PRESIDENT KING: However, I can rule that it is no longer before us without objection?

WILLIAM O'BRIEN: Correct.

And if there is no objection, then that is the ruling.

And that was the will of the Council.

PRESIDENT KING: Where we are now.

Mr. Johnson has objected it is before us and the only question in my mind for you is who is the sponsor.



COUNCILMAN KRAMER: Mr. President point of order if there's an objection it requires you step down.

PRESIDENT KING: He did not object to my ruling.

COUNCILMAN KING: If he objected to your ruling, you have to step down while your ruling is debated.

PRESIDENT KING: Excuse me. I think that you're -- I think that you're in error on that. because I do many things here without objection.

And the mere fact that one member says object just like on our calling the question, if I say without objection, I don't have to step down every time someone objects. Okay.

So what I would like to know is who is the Council member that we would put on this amendment by substitution as the sponsor given that Councilman Hawkins does not want his name associated with it.

WILLIAM O'BRIEN: To the extent that you've ruled that Councilman Hawkins's name is off.

That's fine. So Hawkins' name wouldn't be there. Technically, I believe Councilman Johnson is still a sponsor. Even though his name may not be written out. He's requested and has agreed.

And the other part of this whole analysis is whether or not the Council wants on a substitution that the person making the motion for the substitution is the sponsor of the substitution.

PRESIDENT KING: I think that would be something for Councilman Fleming and the rules committee possibly to talk about with you at a later date. If that's all right.

And without objection of the Council, we will have Councilman Johnson as the sponsor.

And Councilman Blackwell do you want to address that, as well?

COUNCILMAN FLEMING: I object for him being a sponsor because I think this is error.

PRESIDENT KING: You object to him being a sponsor.

COUNCILMAN BLACKWELL: I was going to say it seems to me if Councilman Hawkins doesn't want to be a sponsor that we strike Councilman Hawkins as a sponsor as far as -- I guess we could -- if it's before us again which I think that was your ruling then we could strike him as a sponsor.

Would that be an amendment? Because it's really the written thing to begin with.

It wasn't so much a matter of sponsoring. When he did the original and when he did the committee substitute, it didn't seem appropriate for me to scratch his name but maybe in retrospect I should have.

Probably along with that if we're going to do that, we probably ought to change the top two that it's not really -- it's no longer a strike in appropriation anymore.

It's to include safety requirements.

But if we can't do all of that, that's okay with me, too.

If it's simple enough just to have Mr. Johnson as the sponsor, I'm fine with that.

PRESIDENT KING: I would like to identify who the sponsor is and really, I need the County attorney to give me advice on who that will be.

COUNCILMAN JOHNSON: I'll make it easier for you.

I don't object.

The heck with it.

PRESIDENT KING: Without objection, the item is no longer before us.

[Applause.]

COUNCILWOMAN WOOLRIDGE: I object.

PRESIDENT KING: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Mr. President you know there's been a lot of confusion here tonight. I need a clarification.

COUNCILWOMAN WOOLRIDGE: If this ordinance has died for lack of a sponsor I think we should ask for a sponsor right here from this Council and I would be willing to sponsor this legislation.

COUNCILWOMAN WOOLRIDGE: I would like a ruling from you or from the current attorney's office.

PRESIDENT KING: I need the County attorney to help me out on this.

WILLIAM O'BRIEN: Based upon your rules, you really -- once it is before this Council, do not need a sponsor. The Council itself is the sponsor.

The withdrawal by Mr. Johnson or Councilman Johnson and Councilman Hawkins does not affect the matter because it is already before you having been referred out by your committee.

PRESIDENT KING: Let me ask you this: Then we -- as a matter of practice here allow people to routinely ask to be added as a sponsor to something and they ask the clerk for that.

So if we have a member who now seeks to be a sponsor to that, could they simply say I would like to be added as a sponsor.

WILLIAM O'BRIEN: I believe that's still an available option because it's a courtesy that's extended by the original sponsors and the Council to allow people to become a sponsor.

PRESIDENT KING: Okay.

COUNCILMAN FLEMING: I object to that.

COUNCILMAN BLACKWELL: I would like to be added as a sponsor.

COUNCILWOMAN WELCH: I would like to be added to a sponsor.

COUNCILMAN FLEMING: I object. Mr. President.

PRESIDENT KING: Councilman Fleming, do you wish to be recognized?

COUNCILMAN FLEMING: Thank you.

I appreciate the efforts that Mr. O'Brien is coming from but obviously we're in uncharted waters here and I believe even though what our rules say, there's technically in my opinion no sponsorship of this. I mean it's like a boat on dry land. It's not going anywhere.

Now, Mr. Tandy and I talked a few minutes ago and to Mr. Tandy's credit, what about the intent even though it says on paper Mr. Hawkins, he withdrew it.

But was there intent with Mr. Blackwell to put his name on there well that could be a possibility.

But yet with any intent there's got to be some underlying documentation to support that intent and so forth so that's why I think this really should not be any type of a sponsorship and it's a dead issue.

PRESIDENT KING: Councilman Tandy.

COUNCILMAN TANDY: Thank you, President King.

If I may just to -- my colleague Councilman Fleming was partly correct in terms of the logic that I had laid out. So let me just lay it out fully. Any time we offer amendments on the floor of the Council, the only thing that matters is what is read into the record.

And what is understood by all of us in terms of what we're voting on and not what's written down on paper. What happened in this situation was that Councilman Blackwell took the title of the ordinance as it was which included in the headlines -- or in the header sponsored by Councilman Hawkins.

Then the rest of the -- his amendment, you know, he wrote it out. Okay?

By proffering that amendment, he becomes the sponsor of that motion. Not anybody else.  
Not Councilman Hawkins. Not anybody else.

He is that -- the author of that -- or the sponsor of that motion.

So whether it's a motion to amend one word or to amend the whole thing, he then becomes the sponsor of that. As such -- so then carry it on out a little bit further.

Even if it was wrong on here, if somebody makes a change to it verbally, that's what's agreed upon into the record and that's what we vote upon, that's what's controlling.

Not what is on a particular piece of paper.

So in this case, by amending by substitution, Councilman Blackwell becomes the sponsor of that ordinance. It no longer -- once you vote it out, Councilman Hawkins and Councilman Johnson or whoever was the sponsor of the original ordinance they go away the new sponsor comes on board and that's where in my opinion we are right now.

PRESIDENT KING: Let me say at the risk -- with all due respect, I understand your point.

I think it's valid. That's not the advice we've gotten from our County attorney.

And with all due respect, to that, I think that when someone hands out a document in our meeting, then our Council members have a right to rely on that document as the controlling words regardless of what is read because many times we don't read the entire document.

We give a synopsis of what is being approved.

Or what is being proposed.

And our members rely on what's it writing here.

So I'm not comfortable saying that we can take just parts of this.

And use it for our purposes tonight.

Again, I do not want to belabor this.

We've gone much farther than we need to go.

I really would like this to be addressed by the rules committee.

And I would like to get back to whether or not we're dealing with the item that's before us.

And again, we can take the approach that it is before us.

And go on and vote it up or down.

Or we can take the approach without objection it dies.

I'm going to offer that one more time. That without objection the item dies.

And I'm looking for no objection.

PRESIDENT KING: Councilman Downard.

COUNCILMAN DOWNARD: Just by the fact that there are some items here that approve where we were, I think I would just like to go ahead and vote on it.

I think Councilman Tandy if I went back and understood and watched what happened, I would have said there's been an amendment proposed by Councilman Blackwell. It happens to be an amendment by substitution. The whole thing is gone.

But I mean it's still an amendment.

I bet the record will show he offered the amendment and it was seconded.

So I mean he's the sponsor of the amendment.

PRESIDENT KING: I agree he's the sponsor of the amendment.

But once we -- once the way Robert's Rules work is once the amendment is passed and we have it before us, the Council takes ownership of it. I have several people waiting to speak.

I don't know who has spoken. It doesn't -- who doesn't need to know.

Councilman Blackwell you're on here. Councilwoman Woolridge.

Do you want to speak.

COUNCILWOMAN WOOLRIDGE: I would just like to say, Mr. President, I believe I'm disagreeing with you about the name on the amendment by substitution.  
Because the amendment by substitution did not even have to be passed out.  
He could have just sat in his chair and read it. So I just believe by the name being on there basically I just disagree. He could have sat there and read it with the name on it.  
Nobody would have known whose name is on there. So therefore, I disagree with that part of it.

PRESIDENT KING: I understand that.  
Councilman Blackwell.

COUNCILMAN BLACKWELL: I don't care whose name is on it frankly I do care we limit it to 50 pounds of explosives and we do make sure the eight foot berm is all the way around and that we have the signage who is the sponsor matters not to me.

PRESIDENT KING: Councilwoman Green?

COUNCILWOMAN GREEN: Thank you. What I was going to say is exactly what Councilwoman Woolridge said. We have had amendments be read and not passed out on hard copy.  
So I do believe that Councilman Blackwell would be the person that would be sponsoring this.  
We've done that a lot., where we've read an amendment into record and not had the hard copy to view.

PRESIDENT KING: Thank you, again, all I said is when someone hands out a hard copy, that I believe that the members have a right to rely on the words that are on that piece of paper.  
That's all I've said. And that certain words can't be ignored. That's really, what I'm talking about.  
Had he merely read it from his seat and not passed out a document, then I would agree that we could rely on the spoken word and what the clerk put in.  
Councilwoman Flood?

COUNCILWOMAN FLOOD: Not to keep belaboring the point but I would just like to point out that hours ago when we started this debate one of the comments that was made by Councilman Johnson was I am a co-sponsor of this ordinance, and I accept Councilman Heiner's amendment if you all remember that?  
So for he did some intentional purposes it may not appear on there but he did believe that he had offered sponsorship to this bill.

PRESIDENT KING: That's fine.  
Well, I'm going to move this forward by ruling that we have the item before us.  
And that without further discussion, we are ready to vote on it. Is there any further discussion?  
Hearing none, this is an ordinance requiring a roll call vote.  
Madam Clerk, please open the voting.  
We're voting on the amendment by substitution that was proffered by Councilman Blackwell

Just a minute, please.

**Voting Result: Final Vote on Amended by Substitution ordinance**

JUDY GREEN: YES  
BARBARA SHANKLIN: YES  
MARY WOOLRIDGE: YES  
DAVID TANDY: YES  
CHERI HAMILTON: YES  
GEORGE UNSELD: YES

KEN FLEMING: NO  
TOM OWEN: YES  
TINA WARD-PUGH: YES  
PRESIDENT JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: NO  
GLEN STUCKEL: NO  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: NO  
DAN JOHNSON: YES  
ROBIN ENGEL: NO  
JAMES PEDEN: NO  
MADONNA FLOOD: YES  
DOUG HAWKINS: NO  
ELLEN CALL: NO

THE CLERK: There are 18 yes votes.

8 no votes from Councilman Fleming, Councilman Downard, Councilman Stuckel, Councilman Benson, Councilman Engel, Councilman Peden, Councilman Hawkins and Councilwoman Call.

PRESIDENT KING: **The ordinance as amended passes.** Madam Clerk, a reading of Item 64.

64. O-188-09-08 AN ORDINANCE AMENDING ORDINANCE NO. 112, SERIES 2008, RELATING TO THE FISCAL YEAR 2008-09 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY REQUIRING DEBRIS COLLECTION THROUGHOUT METRO WHEN A STATE OF EMERGENCY OR NATURAL DISASTER IS DECLARED.

**Status:** On Council Agenda - Old Business  
**Committee:** Budget  
**Primary Sponsor:** Doug Hawkins  
**Additional Sponsor:** Hal Heiner

COUNCILWOMAN WOOLRIDGE: Move approval.

COUNCILMAN TANDY: Second.

PRESIDENT KING: This item has been properly moved and seconded.  
Is there any discussion, Councilwoman Hamilton?

COUNCILWOMAN HAMILTON: Thank you, Mr. President.

This item was heard in the Budget Committee on October 1st.

And as the title suggests it's an ordinance amending the operating budget for the fiscal year 2008-09 by mandating that Public Works and Assets use budgeted funds to remove storm debris in right of ways throughout Metro Louisville following any storm declared a state of emergency or natural disaster.

It came out of committee on a 9-2 vote.

And Councilman Hawkins is the sponsor.,

PRESIDENT KING: Who is.?

COUNCILWOMAN HAMILTON: Councilman Hawkins

COUNCILMAN DOWNARD: Are you sure, it's not Councilman Johnson.

PRESIDENT KING: Anyone want to put their name on it real quickly?

All right. Is there any further discussion?

Hearing none, this ordinance calls a roll call vote, Madam Clerk, please open the voting.

**Voting Result: Item 64**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK: There are 26 YES votes.

PRESIDENT KING: **The ordinance passes.**

Madam Clerk, a reading of Item 65.

65. R-141-08-08 A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN TRACTS OF PROPERTY LOCATED IN DOWNTOWN LOUISVILLE METRO KNOWN AS THE WATER COMPANY BLOCK.

**Status:** On Council Agenda - Old Business

**Committee:** Budget

**Primary Sponsor:** Jim King

PRESIDENT KING: May we have a motion for approval.

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILMAN DOWNARD: Second.

PRESIDENT KING: Item has been properly moved and seconded is there any discussion Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President, this resolution has been in the budget committee since August. And the committee has had an opportunity to question the administration and Cordish officials about the nature of the deal about the center city project we're nowhere in the eye of the storm in the financial matters in this country and there have been several questions raised and if I understand it this afternoon there was a memorandum of understanding that has been circulated among the Council members. Not everyone has had a chance to peruse that document. And there is progress and movement being made on many of the issues that have been raised since the committee meeting and at the committee meeting. And so at this time I would like to ask that we table this item.  
COUNCILMAN JOHNSON: Second.

PRESIDENT KING: I'll take that as a motion to postpone.  
Would you like to postpone it until the next meeting?

COUNCILWOMAN HAMILTON: I hope the next meeting.

PRESIDENT KING: All right.

PRESIDENT KING: I'll take that as a motion to postpone to the next meeting.

Councilman Engel.

COUNCILMAN ENGEL: Thank you.

I'm sorry; I --

PRESIDENT KING: Motion to postpone.

Actually, it's not debatable.

COUNCILMAN ENGEL: She motioned to table Mr. President.

PRESIDENT KING: I'm sorry but motion to table is not the appropriate motion at the Council.

It's a motion to postpone.

COUNCILWOMAN HAMILTON Postpone is it.

PRESIDENT KING: Right.

COUNCILWOMAN HAMILTON: To a date certain.

PRESIDENT KING: To a date certain which is the next Council meeting it's actually not debatable.  
I'll say without objection.

Without objection --

COUNCILMAN DOWNARD: With great risk.

PRESIDENT KING: At risk of being pulled off the dais here.  
Without objection, the item is postponed until the next meeting.  
Very good.  
So ordered.

COUNCILMAN DOWNARD: Mr. President --

COUNCILMAN DOWNARD: Would it make sense for you to at least have some explanation of the public to what the heck is really going on between now and the next meeting so that there's -- there's a lot of --

PRESIDENT KING: I will be happy to address that briefly.

I do not want to obviously move into opinions about what's going on so I want to try to just state factually to reiterate to some extent Councilwoman Bentley, did I say Bentley?

I'm tired. Councilwoman Bryant Hamilton it starts with a B.

Her comments are well taken.

That there is a bipartisan move to achieve some sort of improvement in the arrangement.

The Council is working together to try to protect the taxpayers.

And both sides of the aisle are working on that. We're working with the administration.

And we think that we're making significant progress. It may not be enough progress for some members who may still vote against it in a couple of weeks.

But we believe that it is in the best interest of the city given the size of the deal to move deliberately and to try to come to some sort of meeting of the minds between the administration, the developer and the Council. Is that fair enough?

Councilman Heiner.

COUNCILMAN HEINER: Yes, Mr. President I would just like to explain my lack of objection on the postponing. Sort of a vote I think we heard tonight.

PRESIDENT KING: Yes.

COUNCILMAN HEINER: Just also, I think that the public needs to know that there will be a work group working on this over the next week. And that there will be a report at the budget meeting on any progress that may or may not have been made over the past week.

And I guess what, a week after that it will be back here at the Council.

PRESIDENT KING: Yes sir. Thank you.

### **NEW BUSINESS:**

PRESIDENT KING: The next item of business is New Business. New Business comprises items 66 to 86. Madam Clerk, a reading of those items and their assignments to committee.

66. O-190-10-08 AN ORDINANCE APPROPRIATING \$11,800 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$5,000 FROM DISTRICT 4; \$2,000 FROM DISTRICTS 1 AND 3; \$1,000 FROM 2; \$500 EACH FROM DISTRICTS 5, 13, AND 25; AND \$300 FROM DISTRICT 21, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO BROWN COMMUNITY CENTER, INC. TO PROVIDE OPERATING EXPENSES FOR COMMUNITY ACTIVITIES AND EVENTS IN THE LOUISVILLE METRO AREA, SUCH AS TUTORIAL PROGRAMS FOR YOUTH, MEETING SITE FOR ALCOHOLICS ANONYMOUS, ELIJAH'S KITCHEN, AND UNITYFEST.

**Status:** On Council Agenda - New Business

**Committee:** Appropriations, NDFs and CIFs

**Primary Sponsor:**

David Tandy

Mary C. Woolridge

Vicki Welch

Doug Hawkins

Dan Johnson

Judy Green

Barbara Shanklin

Cheri Bryant Hamilton



Vicki Welch

67. O-191-10-08 AN ORDINANCE APPROPRIATING \$18,000 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$5,000 EACH FROM DISTRICTS 4 AND 1; \$2,000 EACH FROM DISTRICTS 21 AND 3; AND \$1,000 EACH FROM DISTRICTS 2, 6, 13, AND 15, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO PROJECT ONE, INC. TO PROVIDE JOB TRAINING FOR UP TO 1000 STUDENTS, AGES 13-19, IN THE LOUISVILLE METRO AREA.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:**  
David Tandy  
Judy Green  
Dan Johnson  
Barbara Shanklin  
George Unseld  
Vicki Welch  
Marianne Butler  
Mary C. Woolridge

68. O-192-10-08 AN ORDINANCE APPROPRIATING \$5,100 FROM THE DISTRICT 23 NEIGHBORHOOD DEVELOPMENT FUND TO THE LOUISVILLE METRO DEPARTMENT OF PUBLIC WORKS AND ASSETS TO REMOVE TREES ON APPEGATE LANE.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** James Peden

69. R-171-10-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY OF LOUISVILLE- \$31,167.72).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts  
**Primary Sponsor:** Judy Green

70. R-172-10-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – GODSEY ASSOCIATES ARCHITECTS, INC. - \$114,900.00.

**Status:** On Council Agenda - New Business  
**Committee:** Contracts  
**Primary Sponsor:** David Tandy

71. R-173-10-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY OF LOUISVILLE - \$25,000.00).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts  
**Primary Sponsor:** Mary Woolridge

72. R-174-10-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING

NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (AL J. SCHNEIDER COMPANY - \$13,000.00).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts  
**Primary Sponsor:** David Tandy

73. O-193-10-08 AN ORDINANCE APPROPRIATING \$1,000 FROM THE DISTRICT 22 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE BLUE APPLE PLAYERS, INC. TO FUND PERFORMANCES IN LOUISVILLE METRO AREA ELEMENTARY SCHOOLS, WHICH RECEIVED \$73,800 FROM THE LOUISVILLE METRO COUNCIL IN ORDINANCE NO. 146, SERIES 2008.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Robin Engel

74. O-194-10-08 AN ORDINANCE APPROPRIATING \$6,500 FROM THE DISTRICT 22, 20, 13 AND 1 NEIGHBORHOOD DEVELOPMENT FUNDS, IN THE AMOUNTS OF \$3,500, \$500, \$500 AND \$2,000, RESPECTIVELY, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO STAGE ONE: THE LOUISVILLE CHILDREN'S THEATRE, INC. FOR THE STAGE ONE TICKET SUBSIDY PROGRAM.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:**  
Judy Green  
Robin Engel  
Stuart Benson  
Vicki Welch

75. R-175-10-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - (RESOURCES FOR EDUCATION, ADAPTATION, CHANGE AND HEALTH, INC. - \$36,000.00).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts  
**Primary Sponsor:** Judy Green

76. O-195-10-08 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY AUTHORIZING AND APPROVING THE TERMINATION BY LOUISVILLE GAS AND ELECTRIC COMPANY (THE "COMPANY") OF CERTAIN BOND INSURANCE POLICIES SECURING THE OUTSTANDING (i) \$25,000,000 COUNTY OF JEFFERSON, KENTUCKY, POLLUTION CONTROL REVENUE BONDS, 2000 SERIES A (LOUISVILLE GAS AND ELECTRIC COMPANY), DATED MAY 19, 2000, (ii) \$10,104,000 COUNTY OF JEFFERSON, KENTUCKY, ENVIRONMENTAL FACILITIES REVENUE BONDS, 2001 SERIES A (LOUISVILLE GAS AND ELECTRIC COMPANY, DATED SEPTEMBER 11, 2001, (iii) \$128,000,000 LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, POLLUTION CONTROL REVENUE BONDS, 2003 SERIES A (LOUISVILLE GAS AND ELECTRIC COMPANY PROJECT), DATED NOVEMBER 20, 2003, (iv) \$40,000,000 LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, POLLUTION CONTROL REVENUE BONDS, 2005 SERIES A (LOUISVILLE GAS AND ELECTRIC COMPANY PROJECT), DATED APRIL 13, 2005, (v) \$31,000,000 LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, ENVIRONMENTAL FACILITIES REVENUE REFUNDING BONDS, 2007 SERIES A (LOUISVILLE GAS AND ELECTRIC COMPANY PROJECT), DATED APRIL 26, 2007 AND (vi) \$35,200,000 LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, ENVIRONMENTAL FACILITIES REVENUE REFUNDING

BONDS, 2007 SERIES B (LOUISVILLE GAS AND ELECTRIC COMPANY PROJECT), DATED APRIL 26, 2007, AND AUTHORIZING THE SECURING OF ALTERNATE CREDIT FACILITIES OR COLLATERAL AS DEEMED NECESSARY BY THE COMPANY.

**Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** Judy Green

77. R-176-10-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$102,954 THROUGH THE CRIMINAL JUSTICE COMMISSION TO SUPPORT THE PROSECUTION OF CRIMINAL OFFENSES INVOLVING GUNS AS WELL AS OTHER ANTI-GUN INITIATIVES.

**Status:** On Council Agenda - New Business  
**Committee:** Public Safety  
**Primary Sponsor:** Judy Green

78. R-177-10-08 A RESOLUTION APPROVING THE GRANTING OF LOCAL INDUCEMENTS TO FIRST MERIDIAN CORPORATION OF FLORIDA PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 24.

**Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

79. O-196-10-08 AN ORDINANCE CHANGING THE ZONING FROM C-1, COMMERCIAL AND R-6, MULTI-FAMILY RESIDENTIAL TO C-2, COMMERCIAL ON PROPERTY LOCATED AT 2810, 2812 AND 2816 TAYLOR BOULEVARD, CONTAINING 0.41 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10270).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

80. O-197-10-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-2, COMMERCIAL ON PROPERTY LOCATED AT 8014 NATIONAL TURNPIKE, CONTAINING A TOTAL OF 1.1 ACRES, 0.92 ACRES OF WHICH IS PROPOSED TO BE REZONED, AND BEING IN LOUISVILLE METRO (CASE NO. 10608).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

81. O-198-10-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 10010, 10200 AND A PORTION OF 10300 BALLARDSVILLE ROAD, CONTAINING A TOTAL OF 8.81 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10327).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

82. R-178-10-08 A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE METRO GOVERNMENT TO ACCEPT THE ASSIGNMENT OF A CONSERVATION EASEMENT FROM THE LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT, ON PROPERTY OWNED BY THE TRINITY HIGH SCHOOL FOUNDATION, AND SHOWN IN EXHIBIT A HERETO.

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Vicki Welch

83. O-199-10-08 AN ORDINANCE APPROPRIATING \$2,100 FROM THE DISTRICT 23 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE CHILD CONNECTION, INC. TO CONDUCT THE STRANGER SAFETY PROGRAM IN VARIOUS ELEMENTARY AND MIDDLE SCHOOLS IN JEFFERSON COUNTY, WHICH RECEIVED \$22,750 FROM THE LOUISVILLE METRO COUNCIL ON SEPTEMBER 11, 2008.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** James Peden

84. O-200-10-08 AN ORDINANCE APPROPRIATING A TOTAL OF \$5,800 WITH \$3,600 FROM DISTRICT 9 NEIGHBORHOOD DEVELOPMENT FUNDS (NDF) AND \$2,200 FROM DISTRICT 8 NDF, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE BREAKING NEW GROUNDS, INC. FOR FACILITATION FEES AND EXPENSES TOWARD THE CREATION OF A SUSTAINABLE LOUISVILLE PROGRAM.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:**  
Tina Ward-Pugh  
Tom Owen

85. R-179-10-08 A RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO ADDRESS NATIONWIDE FINANCIAL PROBLEMS WITH HOME MORTGAGES.

**Status:** On Council Agenda - New Business  
**Committee:** Minority & Community Affairs  
**Primary Sponsor:** Dan Johnson

86. R-180-10-08 A RESOLUTION AMENDING RESOLUTION 36, SERIES, 2008 WHICH APPROVED THE GRANTING OF LOCAL INDUCEMENTS TO RAYTHEON TECHNICAL SERVICES COMPANY, LLC PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 24.

**Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

## **ADJOURNMENT**

There being no further business, the **September 25, 2008** Regular Louisville Metro Council meeting adjourned without objection on a motion by Councilwoman Ward-Pugh at 9:12 PM EDT.

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Kathleen J. Herron, Metro Council Clerk

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Jim King, Metro Council President

Announcements were made by CW Woolridge, CW Welch, CW Ward-Pugh, CM Owen, CW Green and CM Blackwell
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